



**MAJOR PROJECT ASSESSMENT:
88 Christie Street, St Leonards
(MP09_0210)**



Director-General's
Environmental Assessment Report
Section 75I of the
Environmental Planning and Assessment Act 1979

June 2011

ABBREVIATIONS

CIV	Capital Investment Value
Department	Department of Planning & Infrastructure
DGRs	Director-General's Requirements
Director-General	Director-General of the Department of Planning & Infrastructure
EA	Environmental Assessment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
MD SEPP	State Environmental Planning Policy (Major Development) 2005
Minister	Minister for Planning & Infrastructure
PAC	Planning Assessment Commission
Part 3A	Part 3A of the <i>Environmental Planning and Assessment Act 1979</i>
PEA	Preliminary Environmental Assessment
PFM	Planning Focus Meeting
PPR	Preferred Project Report
Proponent	Winten (No. 42) Pty Ltd
RtS	Response to Submissions

Cover Photograph: Massing plan showing the proposal from the north-west
(Source: Proponent's PPR)

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EXECUTIVE SUMMARY

Winten (No. 42) Pty Ltd has lodged an application seeking Concept Plan approval for commercial and retail uses and a building envelope of 18 storeys with basement car parking at 88 Christie Street, St Leonards.

The Environmental Assessment (EA) was exhibited for 31 days between 4 August 2010 and 3 September 2010. As a result, the Department received 7 submissions from public authorities, including Lane Cove and North Sydney Councils and 37 public submissions.

On 9 December 2010, the Proponent submitted a Preferred Project Report (PPR). Key PPR revisions include:

- reduction in height by 0.7-1.2 metres and floor space by 3,654m² (10%);
- reduction in car parking from 330 to 294 spaces; and
- increased setbacks and provision of a podium element.

The PPR comprises a total floor area of 32,559m². The Capital Investment Value (CIV) for the development is estimated at \$117 million.

The site is zoned "B3 Commercial Core" under the Lane Cove LEP 2009 ('LEP 2009') and the proposed office and retail development is permissible with consent within this zone.

The key issues in respect of the proposal include height; built form, impacts on views; traffic and car parking.

The proposal involves a height and building envelope which does not conform with Council's LEP and DCP controls, and will result in some loss of views from residential and commercial properties to the north. However, on balance, the proposed development is considered appropriate in its context and has merit in terms of its ability to address strategic targets for large-scale, high quality commercial floor space and employment growth in St Leonards.

Traffic and the provision of on-site car parking are also key issues, as vehicular access to and from the southern side of St Leonards is constrained by right turn bans, one-way and terminating streets. On-site car parking provision should be minimised given the site's excellent access to public transport.

The proposal will provide substantial public benefits including:

- a significant contribution to the achievement of the Metropolitan Plan and Subregional Strategy targets, including the provision of large-scale commercial development within a strategic centre which will provide for increased employment and high-grade commercial floor space;
- contributing 32,599m² of additional commercial floor area creating approximately 1,630 jobs, and making a substantial contribution to the Metropolitan Plan employment target of 5,000 jobs in St Leonards to 2036;
- increasing local employment opportunities throughout the construction and operational phases of the development;
- the utilisation of existing public transport infrastructure;
- achieving 5-star NABERS and Green Star energy efficiency; and
- the creation of a publicly accessible through site link, and subject to approval in a future application, works within Lithgow Street to create a Shareway and pedestrian plaza for the full frontage of the site.

The Department has assessed the merits of the application, taking into account the issues raised by the public and relevant public agencies. It is considered that identified impacts have been addressed in the PPR and by way of modifications to the Concept Plan. The Concept Plan is recommended for approval, subject to modifications.

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1. BACKGROUND

1.1 Site Description

The site is located at 88 Christie Street on the southern side of St Leonards. St Leonards is a Specialised Centre on the lower North Shore, approximately 5 kilometres north of the Sydney CBD. The site is within the Lane Cove Local Government Area (LGA), however is near the boundary of North Sydney and Willoughby LGAs.

The site is an irregular shape and has an area of 2590m², with frontages of approximately 52 metres to Lithgow Street, 31 metres to Christie Street and 63 metres to Christie Lane. The site has a substantial cross-fall of approximately 7 metres from the north-east to the south-west corner of the site.

St Leonards Railway Station is located approximately 200 metres to the north of the site, with direct pedestrian access provided under the Pacific Highway.

The site currently contains four existing 2-3 storey commercial buildings with a gross floor area of approximately 6,500m² and basement car parking for 110 vehicles with 6 separate vehicular access points.

The project location is shown in **Figure 1**.



Figure 1: Local Context Plan (Base Photo Source: Google Maps)

1.2 Surrounding Development

The southern side of St Leonards is characterised by low scale commercial buildings. Many buildings are towards the end of their economic lifecycle. Council's height and floor space controls have recently been increased to encourage redevelopment of the area.

Christie Lane forms the northern boundary of the site. To the north of Christie Lane is a block of eight 2-storey retail buildings which front the Pacific Highway. Rear access to these buildings is obtained from Christie Lane. Further north is St Leonards Railway Station and the Forum buildings up to 38 storeys in height.

Christie Street forms the eastern boundary of the site. Directly opposite the site are commercial buildings approximately 6 storeys in height.

Further to the north east on the northern side of St Leonards is the 15 storey IBM building and the 17 storey Abode residential building.

Lithgow Street forms the western boundary of the site. The north shore railway line is located to the west of Lithgow Street, directly opposite the site. Land to the west of the railway line is residential.

Existing commercial buildings owned and occupied by the NSW Pharmacy Guild and the Australian Dental Association adjoin the site to the south. The NSW Pharmacy Guild Building is located at 84 Christie Street and is 3 storeys in height. The Australian Dental Association Building is located at 73 Lithgow Street and is 4 storeys in height. Further south is the Pharmaceutical Society of Australia building (4 storeys), Norths Rugby Club and the Cabana Bar and Lounge (3 storeys).

Photographs of the site and surrounds are provided at **Figures 2 and 3**.



Figure 2: The Christie Street frontage of the site



Figure 3 The Lithgow Street frontage of the site

2. PROPOSED PROJECT

2.1. Project Description

2.1.1 Environmental Assessment (as exhibited)

The proposal as exhibited in the Environmental Assessment (EA) sought Concept Plan approval for the following:

- a building envelope of 18 storeys, plus a plant level, to a maximum height of RL 149.75 metres AHD, and a maximum Gross Floor Area of 36,253m², with a 7 level basement with 330 car spaces; and
- commercial and ancillary land uses.

2.1.2 Preferred Project Report (PPR)

Following the public exhibition of the EA, the Department advised the Proponent of a number of issues which required further consideration, and requested the submission of a PPR.

The main issues raised were in relation to the height and building form, view loss and on-site car parking provision. The Proponent was also asked to address Lane Cove Council's concern that the proposal will increase overshadowing of Christie Street South Park and submit further assessment of the development potential of adjacent properties.

On 30 November 2010, the Proponent submitted a response to submissions and a Preferred Project Report (PPR). The proposal as refined within the PPR is detailed in **Table 1**.

Table 1: Key Project Components

<i>Aspect</i>	<i>Description</i>
Project Summary	Concept Plan application for a commercial development
<i>Building</i>	An 18 storey building envelope (plus plant) to a maximum height of RL 149.05m AHD with a maximum GFA of 32,599m ² .
<i>Parking</i>	6 levels of basement parking for 294 cars, plus service and delivery vehicles.
<i>Land uses</i>	Retail/business premises (including café) and commercial lobbies at the lower and upper ground levels. Commercial floor space on the upper ground level and Levels 1 to 16.
<i>Facilities/ Public Benefits</i>	A 1,806m ² area of publicly accessible through-site connection over lower and upper ground levels, colonnade to an upgraded streetscape area on Lithgow Street (subject to future application).

Key changes by the Proponent include:

- Reduction in height by between 0.7 metres and 1.2 metres;
- A 10% reduction in GFA from 36,253m² to 32,599m²;
- Reduction in car parking from 330 spaces to 294 spaces;
- Provision of an 18 metre high podium element to the south west corner of the development to Lithgow Street;
- Reduction in the width of the northern façade by 12 metres, and further articulation provided to break up the monolithic presentation to the north; and
- Provision of a 4 metre setback to the east and west boundaries (exception of podium at zero setback to a height of 18m).

Images of the proposal (taken from the PPR) are shown in **Figures 4** and **5**.



Figure 4: Massing of the proposal showing the north and west façade
(Source: Proponent's PPR)

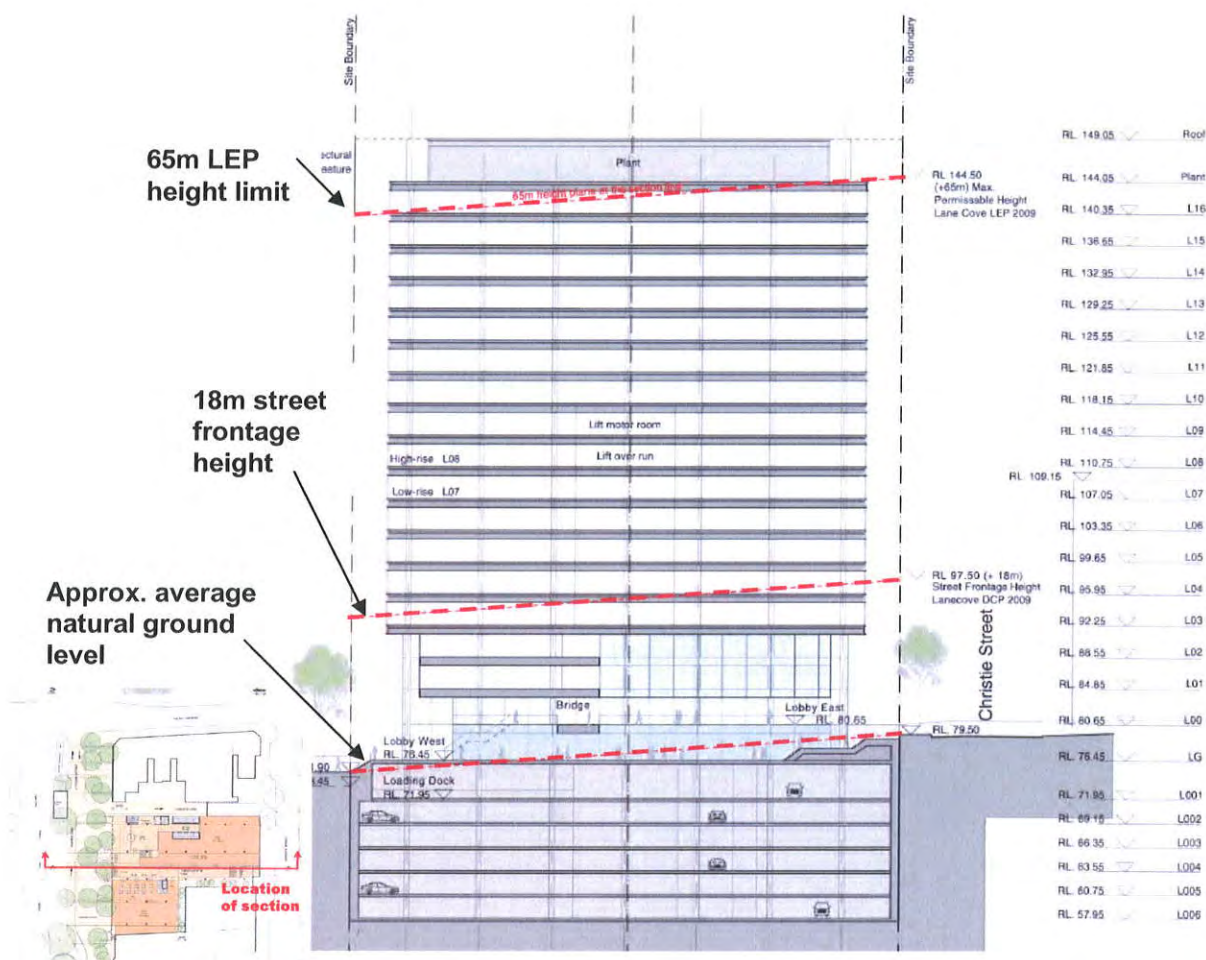


Figure 5: East-West Section (Source: Proponent's PPR)

2.2. Project Need and Justification

NSW State Plan

The NSW State Plan aims to increase investment and job creation, and promote sustainable development by encouraging the use of public transport. The proposed development represents a significant investment which will contribute to immediate and ongoing employment growth.

The State Plan provides specific targets to increase the proportion of total journeys to work by public transport to 28% across the Sydney Metropolitan Region. An 80% target has been established for journey to work trips into the Sydney CBD.

The jobs created will be within the established St Leonards Specialised Centre, with excellent access to public transport. The Department has recommended that a maximum of 206 car parking spaces be provided on site which will assist in discouraging use of private vehicles.

The provision of approximately 1,630 employment opportunities within walking distance of St Leonards Station will achieve a significant modal split share of journey to work trips by public transport.

The Metropolitan Plan for Sydney 2036

The Metropolitan Plan for Sydney 2036 was released in December 2010. The Metropolitan Plan is a strategic document that guides the development of the Sydney Metropolitan area towards 2036. The Metropolitan Plan aims to support the continued economic growth and competitiveness of Sydney, and consolidate its standing as a 'global city'. St Leonards is identified as a Specialised Centre and the Metropolitan Plan provides a key action to strengthen the role of St Leonards as a health care cluster given the proximity to the Royal North Shore Hospital.

The Metropolitan Plan sets out an employment target for the Sydney region of 760,000 new jobs by 2036. The Plan provides further detailed targets of 62,000 additional jobs for the Inner North Subregion and 5,000 additional jobs for St Leonards by 2036. The Plan also identifies a Sydney-wide target of 10,000,000m² of new commercial floor space by 2036. The proposal will make a substantial contribution to these targets providing approximately 1,630 employment opportunities and 32,599m² of high-quality commercial floor space.

The proposal will also contribute to the achievement of the Metropolitan Plan's environmental targets, by locating substantial commercial floor space in an established centre with excellent access to public transport, and through the Proponent's commitment to achieving 5-star NABERS and Green Star energy efficiency ratings for the proposed building.

Draft Inner North Subregional Strategy

The Metropolitan Plan places St Leonards in the Inner North subregion and identifies it as a Specialised Centre due to its regional-scale health and education facilities and existing commercial and office space. St Leonards is the sixth largest employment concentration in Sydney.

The Draft Subregional Strategy, exhibited in July 2007, provides an employment target of 8,200 additional jobs, an increase from 25,100 to 33,300 jobs between 2001 and 2031. However, between 2001 and 2006, approximately 9,000 jobs have been created in St Leonards increasing the base employment level from 25,000 to 34,000. Based upon the jobs growth which has already occurred, the Metropolitan Plan provides updated targets for the draft Subregional Strategy, setting a target of 5,000 additional jobs (total 39,000 jobs) between 2006 and 2036.

The jobs growth that has occurred in St Leonards between 2001 and 2006 demonstrates a high demand for office floor space in St Leonards. On this basis, it is arguable that St Leonards may have the ability to achieve more jobs than the current employment targets identified in the Metropolitan Plan.

The Subregional Strategy also seeks to concentrate activities around, and encourage the use of public transport. St Leonards is well located to Sydney and North Sydney CBDs and benefits from excellent public transport and provides the opportunity to maximise sustainable development and jobs growth within an existing centre.

The proposal provides 32,599m² of commercial floor space across large floor plates. The proposed development will accommodate approximately 1,630 employment opportunities which will make a significant contribution to the employment target of 5,000 jobs for St Leonards and 62,000 additional jobs for the subregion. The development may also act as a catalyst for further re-development of other sites within the southern side of St Leonards and assist in achieving above and beyond the Metropolitan Plan employment targets for St Leonards.

Local Implementation – St Leonards Strategy

St Leonards Centre spans 3 local government areas - Lane Cove, North Sydney and Willoughby. In 2006, Lane Cove, North Sydney and Willoughby Councils and the Department commissioned the St Leonards Strategy. The purpose of the Strategy was to:

- inform the content of new comprehensive LEPs for each respective Council area;
- identify how the economic role of the centre can be strengthened;
- identify how sustainability, amenity and a sense of place in the centre can be strengthened; and
- establish a coordinated planning approach from the three councils.

In order to meet the employment targets of the superseded Metropolitan Strategy 2005 (8,200 jobs to 2031), the St Leonards Strategy recommends the provision of 58,800m² of new commercial floor space in the Lane Cove portion of St Leonards, to provide 2,350 jobs. The remaining jobs will be provided in North Sydney and Willoughby Council areas, a large portion on the Royal North Shore Hospital site.

The site is located within the "Southern Business District" of St Leonards. In this area, the Strategy recommends higher FSR controls along with performance controls to minimise impacts on amenity, and controls to encourage premium-quality buildings with larger floor plates.

The proposal will make a significant contribution to the achievement of the objectives within the St Leonards Strategy in terms of floor space and jobs creation. The proposal will provide a total of 32,599m² of commercial floor space and accommodating approximately 1,630 jobs which represents approximately 55% of the floor space target and 70% of the jobs growth planned for the portion of St Leonards within Lane Cove LGA.

2.3. Concept Plan

The Proponent has applied for approval of a Concept Plan under section 75M of the Environmental Planning & Assessment Act 1979. The Concept Plan application seeks approval for the building envelopes and land uses described above in the section detailing the Preferred Project Report.

3. STATUTORY CONTEXT

3.1. Major Project

The proposal is a major project under Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act) because it is development for the purpose of a residential, commercial or retail project under the former provisions of clause 13 of Schedule 1 of State Environmental Planning Policy (Major Development) 2005. Therefore the Minister for Planning & Infrastructure is the approval authority.

On 28 May 2011, the Minister for Planning & Infrastructure delegated responsibility for the determination of concept plans and project applications under Part 3A of the *Environmental Planning and Assessment Act 1979* to the Planning Assessment Commission where:

- the application is not for major infrastructure development and the Proponent is not a public authority (other than a local authority), or
- a statement has been made disclosing a reportable political donation in relation to the project, or
- a statement has been made disclosing a reportable political donation in connection with any previous concept plan or project application.

The project meets the above criteria as the project is not for major infrastructure development and the Proponent is not a public authority. Further, in excess of 25 public submissions in the nature of objections were received in respect of the application.

The Planning Assessment Commission can therefore determine the project under delegated authority.

3.2. Permissibility

The site is subject to the provisions of the Lane Cove Local Environmental Plan 2009 (LEP 2009). The site is zoned "B3 Commercial Core". The proposed commercial and retail uses are permissible in the zone.

3.3. Environmental Planning Instruments

Under Sections 75I(2)(d) and 75I(2)(e) of the EP&A Act, the Director-General's report for a project is required to include a copy of, or reference to, the provisions of any State Environmental Planning Policy (SEPP) that substantially governs the carrying out of the project, and the provisions of any environmental planning instruments (EPI) that would (except for the application of Part 3A) substantially govern the carrying out of the project and that have been taken into consideration in the assessment of the project.

The following SEPPs and EPIs apply to the subject site.

- State Environmental Planning Policy (Major Project) 2005 (MP SEPP);
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55);
- State Environmental Planning Policy (Infrastructure) 2007; and
- Lane Cove Local Environmental Plan 2009.

The Department's consideration of relevant SEPPs and EPIs is provided in **Appendix D**.

3.4. Objects of the EP&A Act

Decisions made under the EP&A Act must have regard to the objects of the Act, as set out in Section 5 of the Act. The relevant objects are:

- (a) to encourage:

- (i) *the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
- (ii) *the promotion and co-ordination of the orderly and economic use and development of land,*
- (iii) *the protection, provision and co-ordination of communication and utility services,*
- (iv) *the provision of land for public purposes,*
- (v) *the provision and co-ordination of community services and facilities, and*
- (vi) *the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*
- (vii) *ecologically sustainable development, and*
- (viii) *the provision and maintenance of affordable housing, and*
- (b) *to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and*
- (c) *to provide increased opportunity for public involvement and participation in environmental planning and assessment.*

The proposed Concept Plan is considered to be consistent with the relevant objects of the Act. The submission of the proposal in the form of a Concept Plan allows the broader economic, social and environmental impacts of the development to be assessed independently of the 'fine detail' of the project.

It is considered that the proposal is consistent with the Objects of the Act as it will:

- make a significant contribution to the achievement of a number of the Metropolitan Plan and Subregional Strategy targets, including the provision of large-scale commercial development within a strategic centre which will provide increased employment and high-grade commercial floor space;
- contribute 32,599m² of additional commercial floor area creating approximately 1,630 jobs, and will make a substantial contribution to the Metropolitan Plan employment target of 5,000 jobs in St Leonards to 2036;
- increase local employment opportunities throughout the construction and operational phases of the development;
- make use of existing public transport infrastructure;
- achieve 5-star NABERS and Green Star energy efficiency; and
- result in the creation of a publicly accessible through site link and, subject to approval in a future application, works within Lithgow Street to create a Shareway and pedestrian plaza for the full frontage of the site.

3.5. Ecologically Sustainable Development

The EP&A Act adopts the definition of Ecologically Sustainable Development (ESD) found in the Protection of the Environment Administration Act 1991. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- (a) *the integration principle,*
- (b) *the precautionary principle,*
- (c) *inter-generational equity,*
- (d) *conservation of biological diversity and ecological integrity,*
- (e) *improved valuation, pricing and incentive mechanisms.*

The Department's consideration of relevant of ESD principles is included at **Appendix D**.

3.6. Statement of Compliance

In accordance with section 75I of the EP&A Act, the Department is satisfied that the Director-General's environmental assessment requirements have been complied with.

4. CONSULTATION AND SUBMISSIONS

4.1. Exhibition

Under section 75H(3) of the EP&A Act, the Director-General is required to make the environmental assessment (EA) of an application publicly available for at least 30 days. After accepting the EA, the Department publicly exhibited it from 4 August 2010 until 3 September 2010 (31 days) on the Department's website, and at the Department's Information Centre and at the offices of Lane Cove Council. The Department also advertised the public exhibition in the Sydney Morning Herald, Daily Telegraph and North Shore Times on 4 August 2010 and notified surrounding landowners and relevant State and Local Government authorities in writing.

The Department received 44 submissions during the exhibition of the EA – 7 submissions from public authorities, including Lane Cove and North Sydney Councils, and 37 submissions from the general public and special interest groups.

A summary of the issues raised in submissions is provided below.

4.2. Public Authority Submissions

7 submissions were received from public authorities. None of the state agencies raised objection to the proposal, but raised issues and made recommendations as detailed below:

Lane Cove Council does not object to the project but raised concern with the height exceeding the LEP 2009 height limit for the site and the precedent for future development on the southern side of St Leonards. Other concerns raised by Lane Cove Council include:

- View loss;
- Overshadowing, particularly in Christie Street South Park;
- Unresolved architectural roof feature;
- Traffic generation and oversupply of car parking; and
- Pedestrian access through Christie Lane.

Council requested that the proposal comply with the LEP height control to ensure equity and consistency in character within the zone. Council advised that they are particularly concerned with any view loss and overshadowing caused by the increased height. Council also requested further justification for the proposed architectural roof element.

The PPR reduced the height by 0.7 metres in the northern portion of the building and 1.2 metres in the southern portion of the building. The PPR also provided further justification for areas of non-compliance with the LEP height control. The proposal does not comply with the height control at the Lithgow Street frontage, but will comply at the Christie Street frontage. It is noted that the site falls approximately 8 metres between Christie Street (at the north-east corner) and Lithgow Street (at the south-west corner). The Proponent also justifies the increased height on the basis that it will result in only minor additional overshadowing and view loss impacts, compared to a complying building height.

Council also raised concerns regarding the on-site car parking provision. While the proposed car parking is in accordance with the maximum permitted within the DCP, Council has advised that they are reviewing the car parking requirements, which may result in a reduced rate having regard for the proximity to the St Leonards Railway Station.

The PPR reduced the car parking provision commensurate with the reduction in commercial floor space. The proposal retains the DCP rate of car parking provision of approximately 1 space per 110m². The Department has considered the provision of car parking in **Section 5.4.4**.

Council also requested that additional setbacks be provided to Christie Lane to provide for pedestrian safety. The PPR maintains a zero metre setback to Christie Lane. The proposal involves a 12 to 15 metre wide pedestrian through site link at ground level through the building, to be accessible by the public 24 hours/7 days, and in this respect it is considered that the alternate travel path for pedestrians will negate the need for pedestrians to walk through Christie Lane.

North Sydney Council does not object to the project and requested that the construction management plan be submitted to both the Lane Cove and North Sydney Council Traffic Committees prior to issue of a Construction Certificate. Council also requested that details of car share schemes and workplace travel plans be resolved.

The Proponent has made a commitment to submit a construction management plan to both Lane Cove and North Sydney Councils. A further commitment has been made to prepare workplace travel plans and transport access guides prior to occupation of the building. These matters will be addressed in a future application for construction of the building.

Transport NSW does not object to the project but raised the following concerns:

- the level of parking provision should be reduced, given the sites proximity to public transport; and
- pedestrian and vehicular conflicts to be resolved in the event of laneway relocation.

The PPR reduced the car parking provision commensurate with the reduction in commercial floor space, however has not reduced the rate of car parking per m² of commercial floor space. The Department has considered the provision of car parking in **Section 5.4.4**.

The PPR does not involve any changes to the road network. The Department has considered the implications of traffic movements for both the current situation and should the laneway be relocated in the future and considers that access to and from the site will be acceptable in both scenarios.

RailCorp advised that the site adjoins the future rail corridor identified in the CBD Rail Link Pre-Feasibility Study (2006). Railcorp raises concerns with the potential impacts of the project on the development of the future rail corridor. The Proponent has made a commitment to liaise with RailCorp to ensure that adequate protection mitigation measures are provided for existing and potential future rail corridors in the immediate vicinity of the site.

Sydney Water does not object to the project, but has advised that upgrades will be required to the water and waste water system to serve the development. The Proponent has committed to undertake a Water Services Study, as part of a future application for construction of the building, to determine the required upgrade to water and waste water infrastructure. The Proponent will also undertake the necessary upgrades.

NSW Office of Water does not object to the project, but requests that any future application considers standard dewatering requirements.

The **Roads and Traffic Authority** and **Sydney Regional Development Advisory Committee (SDRAC)** do not object to the Concept Plan application but recommended, in addition to standard requirements, that:

- an analysis of the capacity of the public transport system be undertaken;
- impacts of additional pedestrian movements across the Pacific Highway from St Leonards station/bus interchange be considered;
- justification for the traffic generation rates and arrival routes be provided;
- the Proponent consider relocating the driveway access to the site to the Christie Street frontage; and
- the Shareway and laneway relocation proposals be further considered.

Transport NSW has raised no concerns with the capacity of the public transport system, and has made a recommendation for the car parking provision to be reduced to encourage use of existing public transport infrastructure.

The Proponent advises that the majority of pedestrian movements would utilise the existing underpass under the Pacific Highway, and there is unlikely to be a significant increase in pedestrian movements across the Pacific Highway at street level. In this respect, a future assessment requirement is recommended in relation to the upgrading of the underpass under the Pacific Highway to provide higher pedestrian amenity to a minimum standard comparable to the northern portion of the underpass which was upgraded as part of the redevelopment of St Leonards railway Station / Forum development. This will necessitate new floor, ceiling and wall treatments, lighting and hand rails.

The PPR provides further justification for the adopted traffic generation rates based upon surveys undertaken of commercial developments in North Sydney. The Proponent considers that these surveys are reflective of likely traffic generated by the proposal. Further justification for the arrival and departure routes is provided. The Department's consideration of traffic generation and impacts on the road network is provided in **Section 5.4.1**.

The vehicular access to the basement car park is provided on the Lithgow Street frontage as this is the lowest point on the site. The Department has considered the implications of the vehicular access on the Shareway in **Section 5.4.3** and made recommendations to further reduce on site parking provision, which would reduce the traffic generation and minimise conflict between vehicles and pedestrians.

4.3. Public Submissions

37 submissions were received from the public. Of the 37 public submissions, 36 (97%) objected to the project and 1 (3%) supported the project. The key issues raised in public submissions are listed in **Table 2**.

Table 2: Summary of Issues Raised in Public Submissions

Issue	Proportion of submissions (%)
<i>View loss</i>	86
<i>Height</i>	73
<i>Traffic</i>	65
<i>Reduction in property values</i>	57
<i>Non-compliance with LEP / DCP controls</i>	50
<i>Bulk and scale</i>	38
<i>Loss of residential amenity (privacy, noise and overshadowing)</i>	33
<i>Moral obligations of the developer</i>	32
<i>High vacancy rates of existing office buildings</i>	32

The Department has considered the issues raised in submissions in its assessment of the project.

4.4. Proponent's Response to Submissions

The Proponent responded to the key issues as detailed below:

View loss

The Proponent provided an additional view analysis, demonstrating the impact of the proposal in comparison to a building envelope which complies with the LEP height limit, and DCP built form controls. The analysis finds that views will be interrupted to south-facing

apartments and commercial floor space within the Forum commercial and residential development to the north on the opposite side of the Pacific Highway, however demonstrates that a fully compliant building envelope would result in substantially the same loss of views. The PPR includes several refinements to the building envelope to reduce the visual impact, particularly to the north. The Department has considered the view impacts in **Section 5.3**.

Reduction in property values

The concerns raised in public submissions in relation to reduction of property values are primarily as a result of concerns regarding the view impacts of the proposal. The Proponent has provided a further view analysis which demonstrates that there is a minor additional impact caused by the proposal, compared to an envelope fully compliant with the Lane Cove LEP and DCP.

Height

The PPR proposes a reduction in height of between 0.7 metres and 1.2 metres. The height complies with the LEP control at the Christie Street frontage but exceeds the height control by a maximum of 4.25 metres at the Lithgow Street frontage. The proposal also features a 5 metre high architectural roof feature, however this structure is permitted to exceed the height control in accordance with the provisions of the LEP.

The Proponent also justified the additional height on the basis of the provision of a generously proportioned pedestrian through site link, and the loss of commercial floor space on the lower levels to provide this public benefit. The Department has assessed the issue of height in **Section 5.1**.

Traffic

The PPR gave further consideration to traffic impacts, including a reduction in on-site car parking provision from 330 spaces to 294 spaces (commensurate with the reduction in floor area) which will further reduce traffic generation, and encourage sustainable transport options for future workers. The Department has given further consideration to traffic and car parking in **Section 5.4**.

Bulk and Scale and non-compliance with LEP/DCP controls

The Proponent has provided justification for the non-compliance with the LEP and DCP controls. The PPR proposes several revisions to the building envelope to further reduce the bulk and scale, and bring the proposal more in line with the objectives of the DCP. The Department has undertaken an analysis of the built form in **Section 5.2**.

Residential amenity

The PPR has demonstrated that there will be only minor overshadowing impacts on neighbouring residential properties and the Christie Street South Park. Given the separation between the site and neighbouring residential properties, there is unlikely to be any adverse impacts on residential amenity by way of noise or privacy loss.

High vacancy rates

The Proponent advises that there is a significant demand for large floor plate commercial development in St Leonards. The proposal is consistent with Metropolitan, subregional and local strategies to provide additional commercial floor space and jobs growth in St Leonards.

The Department is satisfied that the issues have been addressed and can be managed by modifications to the proposal and future assessment requirements as required.

4.5. Public Submissions to the PPR

The Department received 4 submissions to the PPR. The submissions raised further concerns with the additional view analysis, including:

- the number of units affected is greater than the Proponent states. Four units per floor are affected within the Forum development, not two units per floor;
- the photographs taken by the Proponent do not accurately reflect the view impact of the proposal;
- there is significant view loss from the eastern and central portions of the Forum commercial podium;
- the land between the Pacific Highway and Christie Lane only has potential for a building height of 42 metres, not 65 metres as stated in the PPR; and
- the extent of view impacts should be assessed qualitatively in accordance with the principles of *Tenacity Consulting v Warringah Council (2004)*.

The Department has considered the further submissions, and the extent of view impacts from both residential and commercial properties are assessed in detail in **Section 5.3**.

5. ASSESSMENT

The Department considers the key environmental issues for the project to be:

- Height;
- Built Form;
- View Impacts and Outlook; and
- Traffic and car parking

5.1. Height

The maximum height permitted for the site under the Lane Cove LEP 2009 is 65 metres, measured from the existing ground level to the highest point of the building. The proposed building height is a maximum of 69.25 metres, but varies across the site, due to the significant cross fall of approximately 8 metres from the north-east corner to the south-west corner of the site.

The proposed building height generally responds to the fall from the north to the south with an 18 storey building height on the northern portion of the site and a 16 storey height to the south of the site. However, the building exceeds the height limit in the western portion of the building as a result of the fall from the east to the west. The maximum extent of non-compliance is 4.25 metres at the mid section of the Lithgow Street frontage (west elevation).

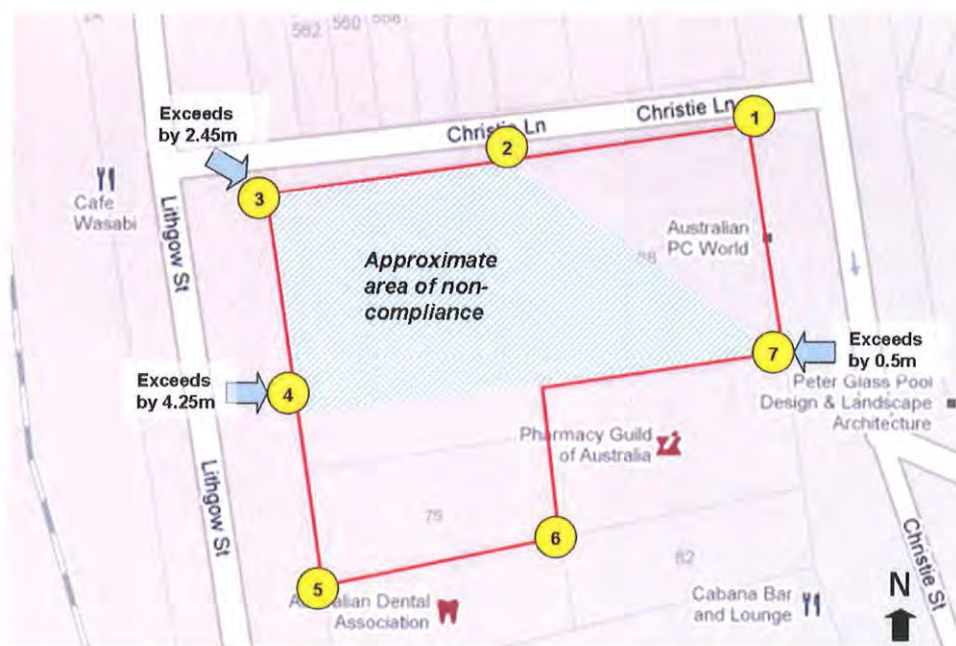
The proposed heights at key locations are outlined in **Figure 6** below.

A 5 metre high architectural roof feature is proposed on top of the building. The roof feature will contain the plant level which would otherwise be highly visible on the roof (above the maximum building height). The maximum height of the building inclusive of the roof feature is up to 74.2 metres and 9.2 metres above the LEP height limit.

Architectural roof features are permitted to exceed maximum buildings heights, pursuant to Clause 5.6 of the Lane Cove LEP 2009, provided the roof feature satisfies the following criteria:

- is a decorative element;
- does not comprise advertising;
- is not capable of conversion to floor space; and
- causes minimal overshadowing.

Options for the design of the roof feature have been provided for the Concept Plan, with detailed design to be undertaken as part of a future application. The roof feature options are generally consistent with the objectives and controls for architectural roof features within the LEP, as they will be decorative and well integrated into the design of the building and cause minimal overshadowing. The roof space will not be capable of conversion to floor space and will not comprise advertising.



Location	Height (m)	Compliance with LEP
1	63.4	Yes
2	65	Yes
3	67.45	No (by 2.45m)
4	69.25	No (by 4.25m)
5	63.2	Yes
6	63.8	Yes
7	65.5	No (by 0.5m)

Figure 6: Proposed heights at key locations on the site and area of non-compliance (Base Image Source: Google Maps)

The Proponent's justification

The non-compliances are primarily a result of the steep topography of the site, in particular the cross fall to both the south and west. The proposal complies with the height limit at the Christie Street frontage, and involves a stepped building height (18 storeys to 16 storeys) to respond to the topography of the site as it falls to the south. Strict compliance with the LEP height controls in the north-western portion of the building would necessitate a reduction in the 18 storey component of the building to 17 storeys.

The Proponent has calculated the average building heights and submitted elevation plans indicating the extent of the proposal both under (orange) and over (purple) the maximum height (refer **Figure 7** below).

As a result of the topography of the site, the proposal involves roughly equivalent areas of heights which are either slightly greater than, or slightly less than, the LEP height limit. On average, a balance between compliance and non-compliance is achieved.

The provision of the through site link from Lithgow to Christie Street covers an area of approximately 1,800m² of potential floor space (including actual floor space and void space on upper ground, Level 1 and Level 2). This space will provide increased amenity at the ground floor for not only future occupants of the building, but the wider community who will be able to use this area as a thoroughfare as an alternate to Christie Lane.

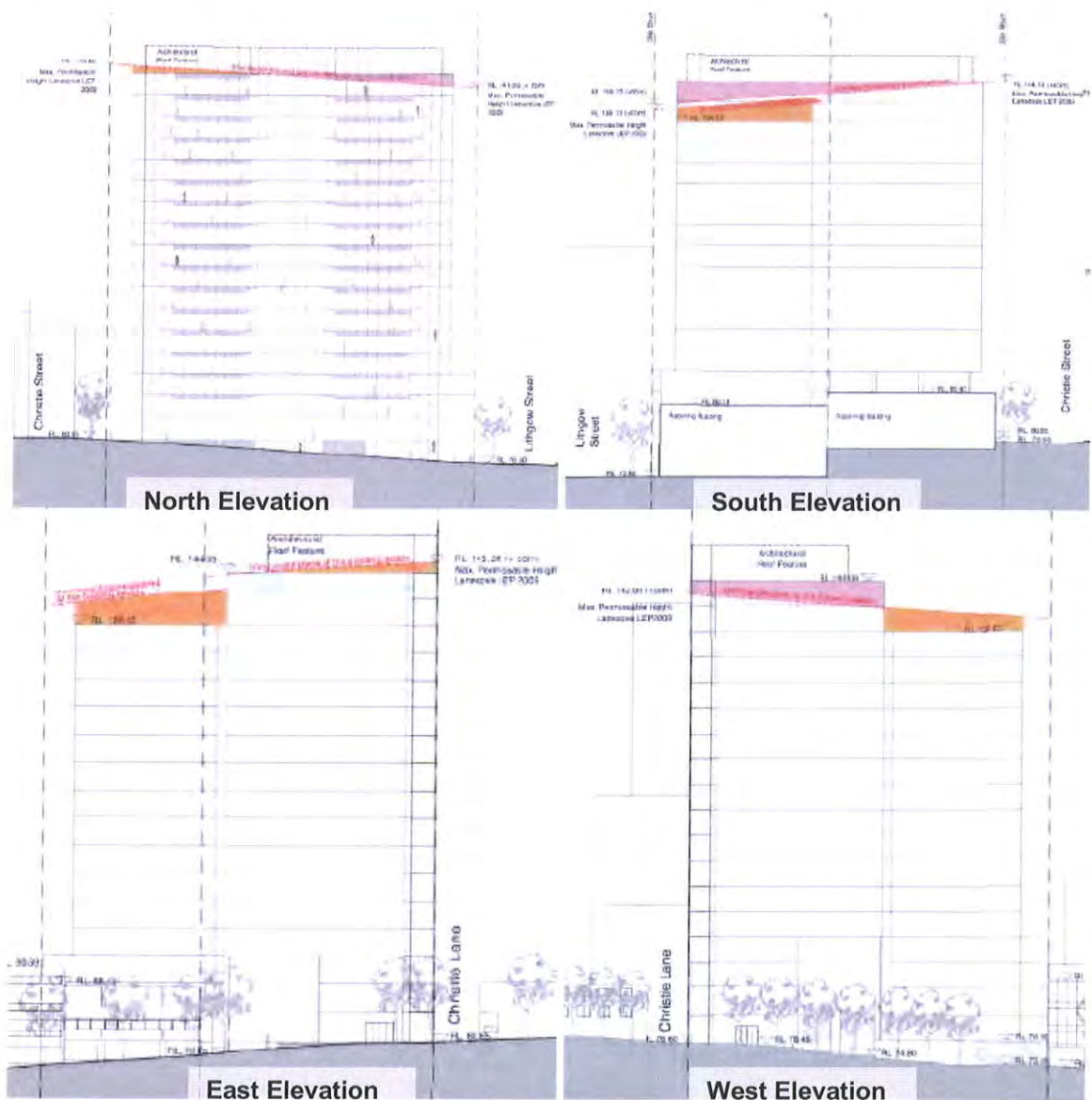


Figure 7: Average building heights (orange under / purple over LEP height control)
(Source: Proponents PPR)

Compliance with the height limit could be achieved by the deletion of the 18th storey. The commercial floor space within the 18th storey is 1459m². The Proponent argues that the provision of a high quality through site link at ground level, with a floor area exceeding the area of the topmost storey, is a justifiable offset for the non-compliance.

The Proponent has considered the implications of the non-compliance in relation to views, privacy and overshadowing. A view analysis of the proposal compared to a fully compliant scheme has been provided, which demonstrates that the additional height causes minimal additional view loss. View impacts are discussed in detail in **Section 5.3**. The Proponent has also undertaken a detailed shadow analysis demonstrating the additional impact of the non-compliant building height, revealing only minor additional impacts on surrounding residential properties and public open space (refer **Figure 15 and 16** within Section 5.5.1). Overshadowing is assessed in **Section 5.5.1**.

The Department's Assessment

The height and scale of the building is considered appropriate in the context of the existing and desired character of St Leonards. Specifically, the proposed building is generally consistent with the desired future character of St Leonards, as prescribed by height and floor space controls within the LEP.

In terms of numerical compliance, the extent of the proposed variation to the height control is approximately 7%. The floor area above the 65 metre height limit is approximately 1,100m² (approx 3% of the total GFA). Further, while the western portion of the building exceeds the height control, the height of other portions of the building are less than the maximum height, providing an average height of approximately 65 metres. Due to the sloping topography, the non-compliances have minimal impacts on the visual appearance of the building, and will be undetectable to a casual observer (when compared to a complying height).

The Department has also considered whether the additional height will cause unreasonable amenity impacts, in terms of views and outlook, privacy and overshadowing.

The view analysis submitted by the Proponent provides a comparison of the impacts of a fully compliant building and the proposal. It has been demonstrated that the proposal would cause comparable view loss impacts to a fully compliant building (in terms of height and envelope). View impacts are assessed in **Section 5.3**.

To minimise the overall height of the building and associated view loss impacts, the architectural roof feature should be reduced to the maximum required to contain the lift overrun and plant. The type of lift and plant should be selected to minimise the height of the roof feature. The design and materials of the architectural roof feature should also be selected to maximise transparency while concealing the plant. These requirements form part of the recommended future assessment requirements.

Minimal privacy impacts are likely due to the commercial use of the building and the building separation of approximately 65 metres to the nearest residence to the west (across the railway line), 130 metres to the Forum residential tower to the north and 110 metres to the nearest residential building to the south.

The additional height results in minimal overshadowing impacts for residential properties on the western side of the railway line and Christie Street South Park. Shadowing caused by the proposal is limited to 11 residential properties between 9.00am and 11.00am and a small paved section of the northern end of the park for a maximum of 45 minutes from 2.15pm to 3.00pm, mid winter. Overshadowing is assessed in **Section 5.5.1**.

The Department considers that the proposed building height is acceptable given that:

- the proposed building height is generally consistent with the desired future character for the southern side of St Leonards providing a high-quality large commercial building;
- the building height (excluding the architectural roof feature) generally complies at the Christie Street frontage and involves a non-compliance of 4.2m (7%) at the Lithgow Street frontage, primarily due to the sloping topography of the site;
- the additional height will have minimal visual impacts to the casual observer, compared to a complying height;
- the architectural roof feature generally meets the Lane Cove LEP criteria and a future assessment requirement is recommended to explore further reducing the height of the roof feature and ensuring the design and materials maximise transparency;
- the proposal will result in minimal additional view impacts, compared to a LEP/DCP compliant building envelope;
- minimal privacy impacts are likely to occur as a result of the increased height due to existing separation between the closest residential building;
- minimal additional shadow impacts will be caused by the increased height;

- the width of the building and increased articulation to the northern façade will present a well resolved building to the north, where the visual impact is greatest; and
- wind impacts can be managed through detailed design to capture downwash from the building to the public domain.

The proposal will provide a significant public benefit in the form of a high quality through site pedestrian link from Lithgow Street to Christie Street. The proposed non-compliance with the draft LEP height control is considered acceptable in this respect. In light of the minor impacts, a reduction in height is not warranted.

5.2. Built Form

The Lane Cove Local Environmental Plan (LEP) 2009 and Development Control Plan (DCP) 2009 provide objectives and controls for development in the southern portion of St Leonards. The LEP provides height and floor space ratio (FSR) controls to encourage commercial development in the locality. The maximum FSR under the LEP is 14:1 and the proposed FSR of 12.6:1 complies.

The DCP provides indicative block plans within for 4 areas of St Leonards. Specific to the proposal, the DCP outlines a preferred amalgamation and envelope plan for podium and tower elements of future buildings within the 'Christie – Lithgow Precinct' (refer **Figure 8** below).

Although indicative, the DCP provides an urban design outcome based on objectives for the precinct, including improving pedestrian and vehicular access, minimising overshadowing, maximising view sharing and providing high quality public domain space, whilst also accommodating significant increase in allowable height and density.

The key issues relevant to built form outcomes for the site are:

- Site amalgamation; and
- Bulk, scale and streetscape.

Site Amalgamation

The ability (or inability) to amalgamate properties has significant implications on built form outcomes for the site, and the future development potential of surrounding sites.

The DCP provides a preferred development scenario which is predicated by the amalgamation of 17 properties to achieve closure of Christie Lane and creation of a new lane further south, a Shareway within Lithgow Street and pedestrian link in Christie Lane (**Figure 8**). All properties within the 'Lithgow - Christie Precinct' are occupied by commercial buildings. Two buildings will require demolition to create the new lane.

The site comprises 5 properties within the centre of the 'Lithgow - Christie Precinct'. There is fragmented ownership within the precinct, with an additional 12 properties under individual ownership. The DGR's required the Proponent to address amalgamation, specifically the amalgamation with the 3 properties to the south of the site. If this could not be achieved, the Proponent was required to demonstrate that the adjacent land can achieve development outcomes which maximise the opportunities available under the LEP controls.

The Proponent's justification

The Proponent has indicated an attempt to amalgamate the surrounding properties within the 'Lithgow – Christie Precinct'. In addition to the 5 properties the subject of this application, the Proponent has also been successful in purchasing 2 of the 8 properties between the Pacific Highway and Christie Lane, as shown in heavy black outline in **Figure 8**. Despite negotiations with the other 6 property owners and the owners of 3 properties to the south, the Proponent was unable to reach an agreement to amalgamate the sites. The Proponent has advised that the negotiations were unsuccessful for the following reasons:

- the buildings being the head offices of the respective organisations;
- recent refurbishments undertaken to the buildings;
- long term leases/ profitable retail premises fronting the Highway; and
- offers were deemed inadequate by existing owners.

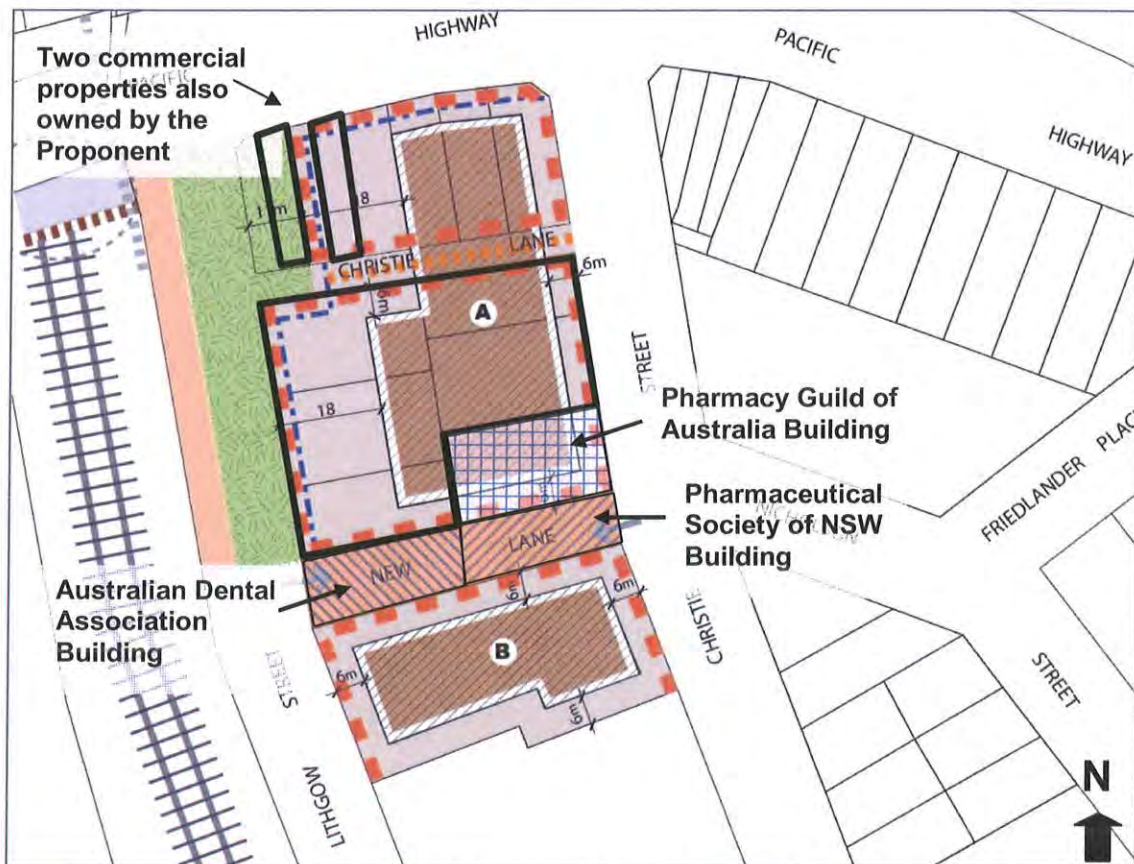


Figure 8: DCP block plan for the 'Lithgow - Christie Precinct (Base Image Source: Proponent's EA)

As it has not been possible to acquire any additional properties in the precinct, the Proponent proposes to develop the 5 adjoining properties in its ownership. As the development site is irregular in shape the Proponent proposes several departures from the DCP block plan, including:

- retaining the current laneway location; and
- revising the location of the pedestrian through site link.

The adjacent sites to the south will only be able to maximise development opportunities if the new laneway in the DCP does not eventuate, or if an alternative through site link is identified. The Proponent has advised that if the 3 properties to the south amalgamate, a tower with a footprint of approximately 450m² over 82 and 84 Christie Street could be achieved. A footprint of this size is unlikely to be pursued. Therefore, it would be necessary to amalgamate the property further south (Block B within **Figure 8**) to achieve a more viable commercial development.

Council's comments

Lane Cove Council appreciates that amalgamation within the precinct has been difficult. Council is seeking amalgamation to achieve satisfactory urban design outcomes but is mindful of the need to encourage redevelopment in an area needing revitalisation. Council officers also advised that it is not Council's policy to compulsorily acquire the land required for the proposed laneway relocation.

Council further advised that the key objectives within the DCP relative to the assessment of this application are height, built form (north-south slimline towers over a lower podium to minimise view loss, overshadowing and visual impact) and improved pedestrian access.

The Department's Assessment

The new lane, as envisaged in the DCP, is predicated on site amalgamation to allow for the loss of the two commercial properties to be offset by the additional development potential from the closure of Christie Lane and increased height and FSR under the LEP. The development of sites in isolation will not achieve this outcome as there is an unfair burden on the two properties affected by the new laneway.

The Department has assessed the implications of the inability for further amalgamation with regard to:

- whether the proposal meets the objectives of the DCP; and
- whether the proposal allows future development potential of adjoining properties.

Objectives of the DCP

The Department considers that the following DCP objectives in relation to height, design and building form and pedestrian access are relevant to the proposal:

- (a) to acknowledge the economic realities of redevelopment while striving for high quality revitalisation including large developments;*
- (b) to achieve design excellence in new development for the southern side of St Leonards;*
- (c) to create a vibrant and exciting live and work major centre on the southern side of St Leonards;*
- (d) to achieve 'slimline towers in the round' and avoid continuous secondary street walls above podium levels;*
- (e) to achieve comfortable street environments for pedestrians in terms of daylight, scale, sense of enclosure and wind mitigation as well as a healthy environment for street trees;*
- (f) to strengthen the urban form through consistent street wall heights; and*
- (g) to prioritise the pedestrian over vehicle movement wherever possible.*

The proposal generally achieves compliance with the DCP objectives, outlined as follows:

- the delivery of a large floor plate commercial development is consistent with the DCP and the St Leonards Strategy;
- the proposal will make a significant contribution to improving the vibrancy of the southern side of St Leonards;
- the PPR involves a 10% reduction of floor space compared to the original proposal and proposes increased setbacks of 4 metres to the east and west site frontages. Articulation at the building corners has reduced the width of the building by 12 metres, compared to the original proposal;
- the reverse podium built form with ground floor and associated voids above the proposed colonnade and pedestrian through site link provide a high amenity street environment for pedestrians;
- the provision of a podium element, approximately 18 metres in height, to the southern portion of the Lithgow Street frontage will ensure an appropriate transition between the proposal and any future redevelopment of the properties to the south, and an acceptable streetscape presentation;
- the creation of a new 12 to 15 metre wide pedestrian through site link at ground level approximately mid-way through the proposed building which will be accessible to the public 24 hours/ 7 days. The through site link will provide an all weather pedestrian connection, activated by cafes and retail/business premises. The through site link will also directly adjoin the proposed Shareway; and
- the recommended reduction in on-site car parking provision, as considered in **Section 5.4.4**, will assist in prioritising pedestrian movements over vehicle movements.

The proposal does not achieve 'slimline towers in the round', a specific objective of the DCP. However, the Department considers that the articulation provided to the northern façade minimises the bulk of the tower and associated visual impact of the proposal from the Pacific Highway and residential and commercial buildings to the north. Further, the Proponent has demonstrated that the amenity impacts of a slim tower and the proposed tower configuration will be comparable with minimal additional impacts in terms of view impacts and overshadowing.

Future development potential of adjoining properties

The Proponent has demonstrated that it has made reasonable attempts to amalgamate its property with the surrounding properties. Notwithstanding, the Department considers that the adjoining properties to the north and south will be able to achieve reasonable development outcomes as follows:

- the 3 adjacent sites to the south will only be able to maximise development opportunities if the new laneway in the DCP does not eventuate. If the 3 properties amalgamate, a tower with a footprint of approximately 450m² could be achieved. Further opportunities are available for the properties to amalgamate with properties further south (Block B within **Figure 8**) to achieve a larger building footprint;
- an amalgamation of the 9 properties to the north would allow for floor plates of between 1,000m² and 1,400m², if it involves similar form and street setbacks to the subject proposal; and
- it will not be possible for any of the adjoining properties to redevelop in isolation.

The Department is satisfied that the proposal meets the objectives of the DCP in relation to built form and that adjoining properties will continue to have reasonable opportunities for redevelopment.

Bulk, scale and streetscape

The LEP seeks to control the density of the site by imposing a maximum FSR of 14:1. The PPR complies with this control, proposing an FSR of 12.6:1.

The DCP contains further controls for bulk, scale and streetscape. The DCP provides a maximum street frontage height of 18 metres. Tower setbacks of 18 metres to Lithgow Street and 6 metres to Christie Street and Christie Lane are also required.

The EA proposed a tower form built to the street alignment with inverted podium with setbacks of 5 metres to provide an expansive through site link and colonnade at the lower levels. The inverted podium provides for a large void area at ground level with the tower extending above compared to a traditional podium where a tower is setback above a lower building element built to all boundaries. The proposal does not comply with the street frontage height, street setbacks and tower setbacks as detailed in Council's controls.

While the east and west elevations feature a stepped form, the north elevation to the Pacific Highway, as proposed in the EA, is presented as an expansive wall with minimal articulation or other architectural features to break up the bulk. The Department requested that the Proponent address the monolithic building envelope and provide further options for a slimmer tower to provide equity, view sharing, minimise overshadowing and maximise amenity in the public domain.

The Proponent's justification for non-compliance with the DCP

The Proponent argues that the proposal does not comply with the DCP controls for street frontage heights and setbacks primarily due to land ownership constraints and the inability to amalgamate with the adjoining sites.

The Proponent has advised that the provision of an 18 metre tower setback to Lithgow Street and 6 metre tower setback to Christie Street would result in a tower footprint of

approximately 850m² with awkward “L-shaped” dimensions and undesirable qualities for commercial tenants (refer **Figure 9** below).



Figure 9: Podium and Tower footprint in strict compliance with the Lane Cove DCP 2009 (Source: Proponent's EA)

The PPR proposes an inverted podium to the northern portion of the building, whereby the building extends above the void at ground level. The northern portion of the site features setbacks of 7 metres for the lower 3 levels to open up the base of the building to create an all weather through site link and colonnades (refer **Figure 10** below).

The southern portion of the building is provided with an 18 metre high podium with a zero metre setback to the Lithgow Street frontage. The tower is setback 4 metres from the Lithgow Street and Christie Street boundaries.

The PPR also addressed the Department's concerns with the proposed presentation to the north, reducing the width of the northern façade by 12 metres and providing further articulation at the building edges and in the middle of the façade to read as 3 distinct planes. These amendments reduce the bulk of the building and the visual impact, particularly from the north (refer **Figure 11** below).

The Proponent submits that the proposed envelope has minimal additional overshadowing and visual impacts compared to a DCP compliant envelope. The view analysis provided by the Proponent demonstrates that the proposed scheme (4 metre tower setback) and a DCP compliant envelope (18 metre tower setback to Lithgow Street) would result in comparable view loss impacts.

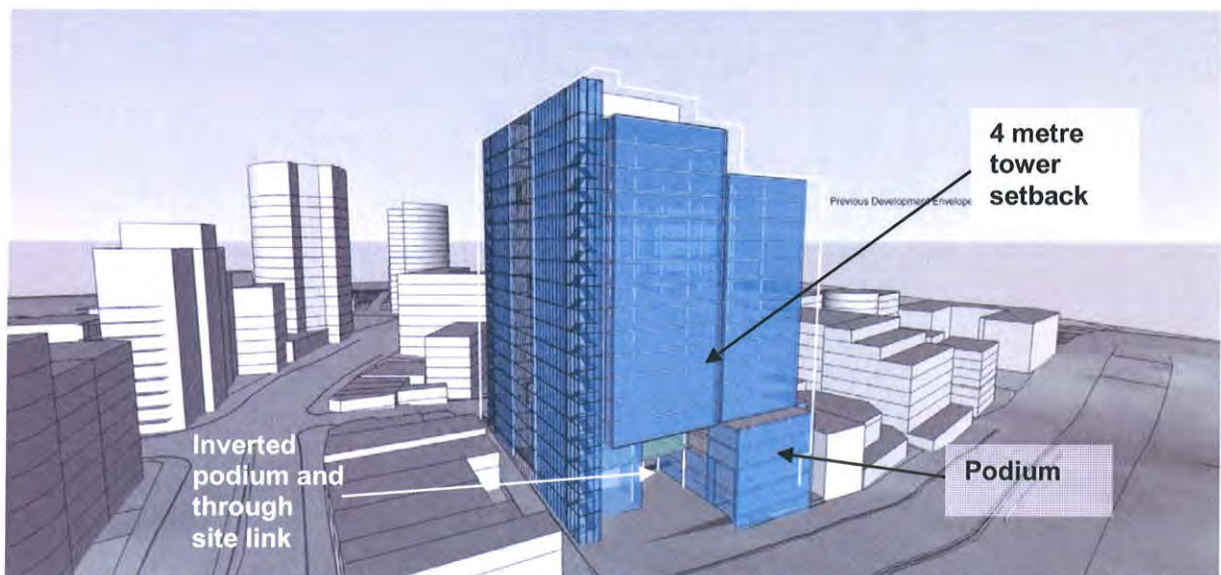


Figure 10: Proposed built form showing the proposed inverted podium and through site link (Source Proponent's PPR)



Figure 11: North elevation proposed in EA (left), and as revised in PPR (right) (Source: Proponent's EA/PPR).

The Department's Assessment

The proposal does not comply with the street frontage heights or setbacks as prescribed within the DCP. The proposal involves approximately 11,000m² of floor area over Levels 4 to 16 which exceeds the street frontage height of 18 metres and encroaches into the minimum setbacks. This represents approximately 33% of the total GFA and would reduce commercial floor plates to a maximum of approximately 850m² to 1,000m².

The Department is satisfied that the strict application of the DCP controls would result in a small commercial floor plate which is inconsistent with the objectives of the DCP and St Leonards Strategy which seek to encourage large floor plate commercial development.

Notwithstanding the non-compliances, the Department is satisfied that the envelope, as proposed within the PPR, has addressed the concern of excessive bulk and scale. The setbacks to the east and west boundaries have been increased from 5.3 metres to 7 metres on the lower levels, and from nil to 4 metres to the tower above. The north façade has been provided with further articulation at the corners to reduce the width of the building by 12 metres. Revisions to the lower level, including an 18 metre high podium with a zero setback to Lithgow Street, provide a transition element which will complement any future

redevelopment of the adjoining sites to the south. The massing and proportions of the revised envelope respond to the site's context and topography.

The Department is satisfied with the additional view analysis provided within the PPR which demonstrates that the additional view impact of the proposal, compared to a DCP compliant envelope, is minor. A detailed analysis of view impacts is provided in **Section 5.3**.

The proposed envelope will result in minimal additional overshadowing impacts compared to a DCP compliant envelope. The Department considers that solar access to residential properties on the western side of the railway line and Christie Street South Park is protected to an acceptable level. Overshadowing is assessed in **Section 5.5.1**.

In summary, the Department considers that the proposed envelope and bulk and scale are acceptable given that:

- strict compliance with the DCP envelope controls would result in a tower footprint of approximately 850m² to 1,000m²;
- the DCP controls are used to guide development outcomes and are not intended to be imposed as development standards;
- the proposed commercial floor plates, between 1,459m² and 1,932m², are consistent with the Lane Cove DCP and St Leonards Strategy which seek to encourage premium-quality buildings with larger floor plates in St Leonards;
- the combination of an 18 metre high podium to Lithgow Street and inverted podium design above the through site link, emphasises the pedestrian through site link and provides a superior level of amenity to the ground floor level of the site, and provides an acceptable streetscape presentation;
- the increased setbacks and articulation proposed in the PPR reduce the bulk and scale of the building, improving its overall visual appearance, particularly from the north;
- the use of transparent and translucent materials will further reduce the bulk and scale of the building; and
- the proposed envelope will have comparable view loss and overshadowing impacts to a DCP compliant envelope.

5.3. View Impacts and Outlook

The St Leonards CBD is positioned to the north of the Sydney CBD and benefits from views to the south encompassing the city skyline and Harbour Bridge. The proposal, being on the southern side of St Leonards will benefit from these views, but in turn will affect the views of properties further north.

The Proponent provided an analysis of the view loss impacts of the proposal particularly in relation to views from the Forum and Forum West residential towers, and Forum commercial podium to the north of the site, on the opposite side of the Pacific Highway.

The view analysis considered the impact of the proposal compared to a LEP and DCP compliant building featuring a maximum height of 65 metres (plus architectural roof feature) and an 18 metre setback to the tower from Lithgow Street. Relevant excerpts of the view analysis are attached at **Appendix E**.

The view analysis within the PPR included photomontages from the following locations:

- south-facing apartments on Level 16 and 23 of the Forum tower;
- south-facing apartments on Level 19 and 23 of the Forum West tower; and
- the eastern, central and western portions of Levels 4 and 9 of the commercial podium.

This study establishes that the 20 south-facing apartments in the Forum tower (Levels 15 to 24) and 7 south-east facing apartments in the Forum West tower (Levels 17 to 23) will be affected. Views from the lower commercial levels of the Forum podium will also be affected.

A consideration of the principles in the Land and Environment Court judgement "*Tenacity Consulting v Warringah Council (2004)*", provides a basis for the consideration and assessment of view impacts, view loss and view sharing, and the criteria adopted in the decision state as follows:

- (i) assess what views are affected (i.e. whether or not they are iconic views, water views, obscured etc);
- (ii) from what part of the property are the views obtained;
- (iii) the extent of the impact (negligible, minor, moderate, severe or devastating); and
- (iv) the reasonableness of the proposal which is causing the impact.

(i) Views which are affected

The southerly views enjoyed from south-facing apartments include uninterrupted 180 degree views of the southern side of St Leonards in the foreground and views of the Sydney city skyline and the Harbour Bridge and Milsons Point beyond. Apartments also enjoy views of Sydney Harbour, spanning from the Heads to the east and Drummoyne to the west. The quality of the view improves with height in both the Forum and Forum West towers.

(ii) From what part of the property are the views obtained

Views are enjoyed from balconies, living rooms and bedrooms within the apartments orientated to the south on the upper levels of the Forum and Forum West buildings. Views are also obtained from the balconies of east and west facing apartments. Views of the city skyline and Harbour Bridge are also obtained from the commercial levels of the Forum podium.

(iii) Extent of impacts

The view impact analysis provided in the Proponent's PPR indicates that the proposal will primarily impact upon southerly views to 2 apartments per level between Levels 15 to 24 (total 20 apartments) within the Forum tower and one apartment per level between Levels 17 to 23 (total 7 apartments) of the Forum West of the building. In addition, the proposal will impact upon views from all levels of the commercial podium, particularly views from the eastern and central portions of the building.

Expressed in quantitative terms, the proposal will interrupt approximately 10% of the view enjoyed from the Forum and Forum West towers. This is shown diagrammatically in **Figures 12 and 13** below.

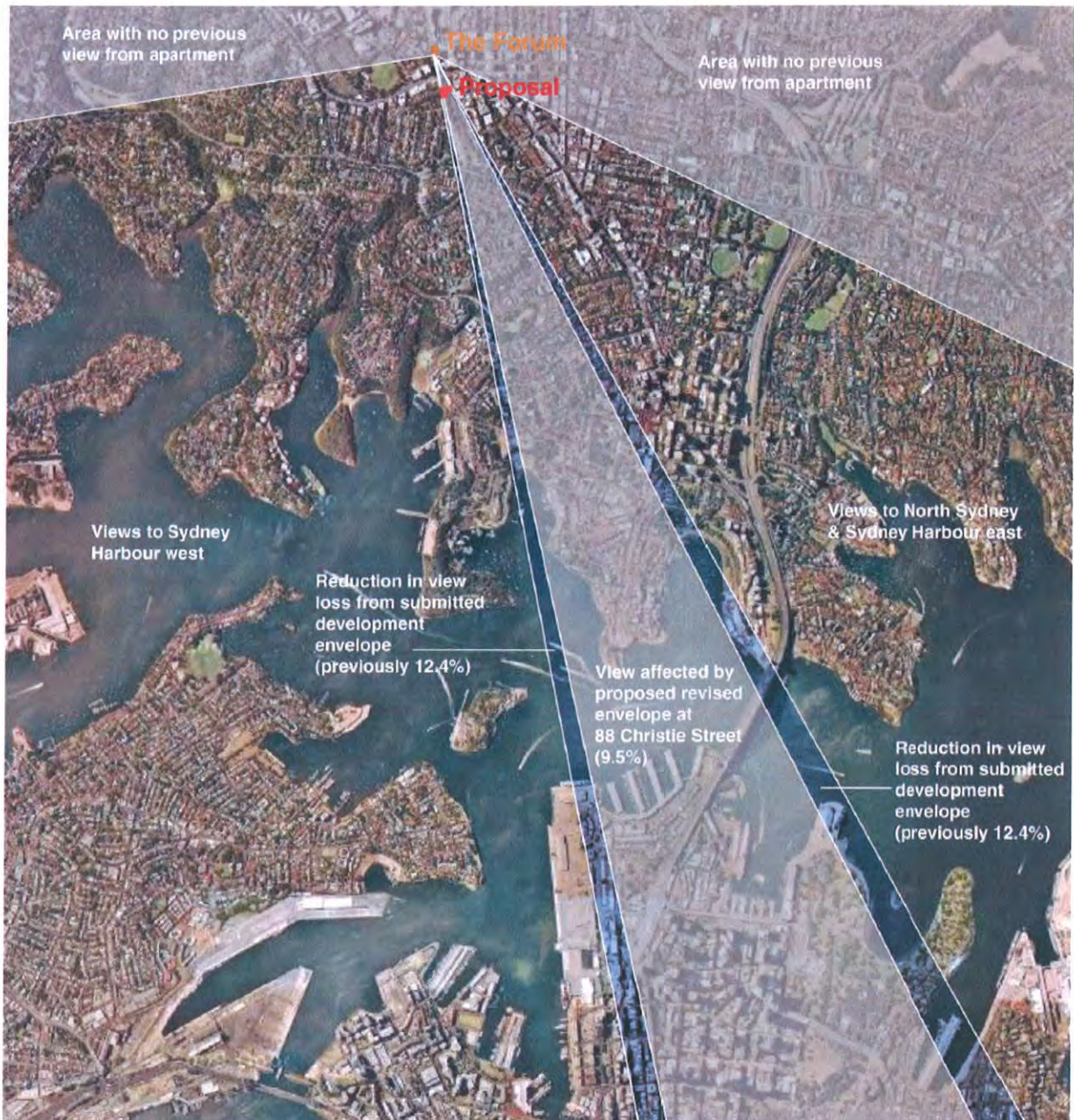


Figure 12: View loss from the Forum tower (Source: Proponent's PPR)

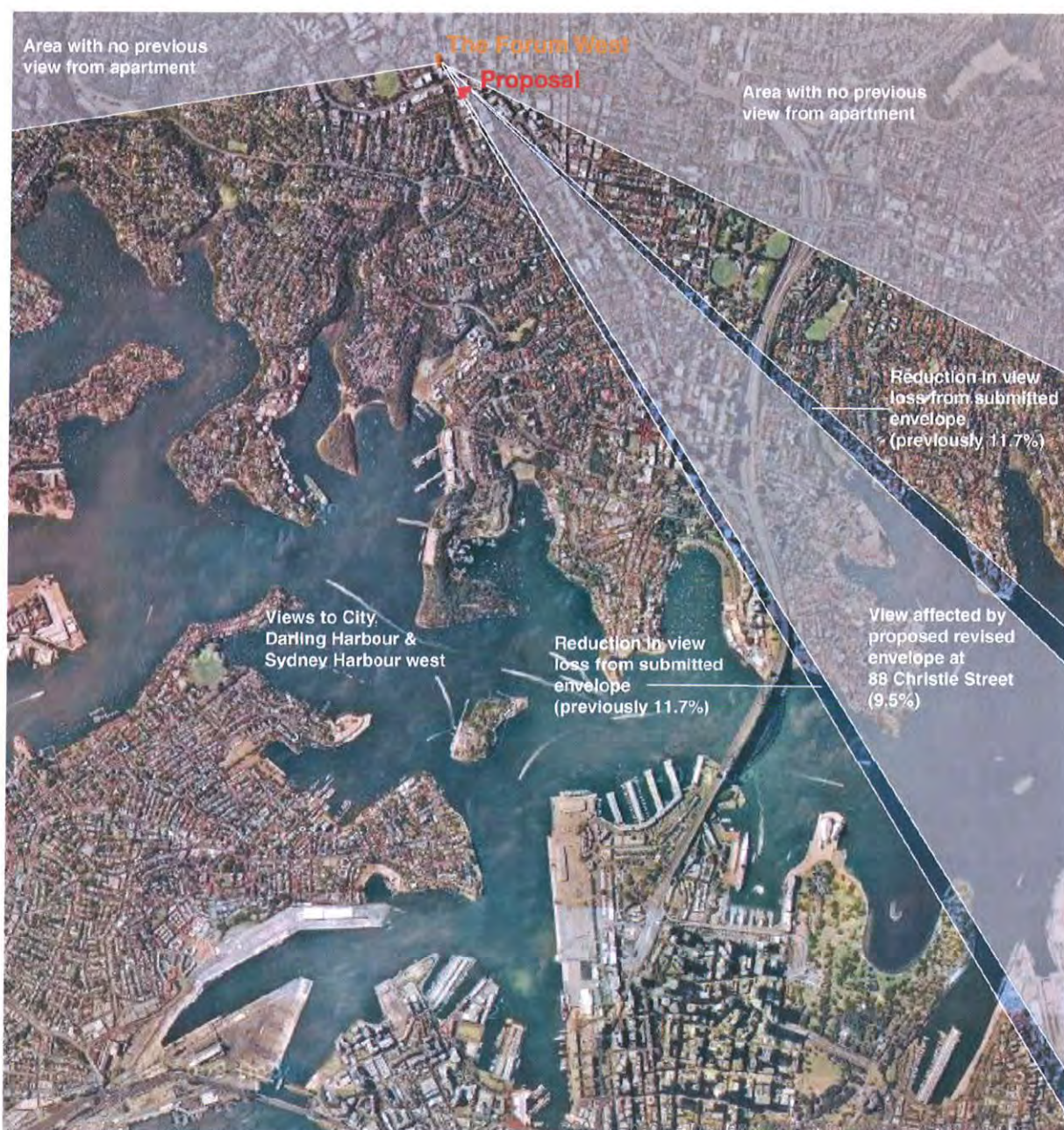


Figure 13: View loss from the Forum West tower (Source: Proponent's PPR)

Several public submissions raised concern that the photomontages provided by the Proponent do not accurately reflect the impact of the proposal. The main concern of objectors was that the photographs were taken from the window edge, however the view is most typically enjoyed from a few metres back from the window. The Department agrees that the proposal will take up a larger proportion of the view when standing several metres back from the window edge. However, the view analysis demonstrates the extent of impacts on loss of views, specifically the main elements of the city skyline and Harbour Bridge and is considered acceptable.

In addition to the above, the Department has considered the extent of impacts and has found as follows:

The Forum tower

- All south-facing apartments of the Forum Tower currently enjoy southerly views towards the Sydney CBD. Views are enjoyed from living areas, bedrooms and balconies. Views

of the city skyline and Harbour Bridge from south-facing apartments generally between Level 15 to 24 would be interrupted.

- In addition, apartments oriented to the east and west generally from Level 15, can also enjoy views towards the city when standing facing south on the balconies. Views of the city skyline and Harbour Bridge from east and west-facing apartments, generally between Level 15 to 24 would be interrupted.
- Views from the balconies of the western facing apartments generally, between Levels 15 to 24, would also be affected interrupting approximately 50% of the city skyline view. However, these apartments will maintain views to the west taking in the Sydney Harbour towards Balmain and Drummoyne.
- Views from the balconies of the eastern facing apartments, generally between Levels 15 to 24, would also be affected interrupting the view of the city skyline and Harbour Bridge. However, these apartments will maintain views further east towards the Sydney Harbour Heads.
- Views of the city skyline and Harbour Bridge from east and west facing apartments are generally available from balconies rather than directly from living areas or bedrooms.
- The Department estimates that approximately 40 units within the Forum tower currently have southerly views of the city skyline and/or Harbour Bridge which will be to a large extent interrupted as a result of the proposal.

The Forum West tower

- The views from south-facing apartments of the Forum West tower towards the Sydney CBD, generally between Level 17 to 23, will be affected by the proposed building. However, the dominant features, being the Harbour Bridge and city skyline, will be retained in the view. Views of North Sydney and Milsons Point will be interrupted.
- In addition, apartments oriented to the east, on Levels 17 to 23, can also enjoy views towards the city when standing facing south on the balconies. Views of the Harbour Bridge would be interrupted, but the views of the city skyline would be retained.
- While views of the city skyline and harbour bridge are retained in south-facing apartments, the proposal will form the dominant element of the view in the foreground.
- These apartments will maintain views of the city skyline from balconies.
- Views of the city skyline and Harbour Bridge from east facing apartments are only available from balconies when standing facing south, not directly from living areas or bedrooms.
- The Department estimates that approximately 21 units within the Forum West tower currently have southerly views of the city skyline and/or Harbour Bridge which will be affected by the proposal.
- Views from the balconies of the eastern facing apartments on Level 17 to 23 would also be affected, interrupting the view of the Harbour Bridge.

The Forum podium

- The views towards the city from eastern and central portions of the lower commercial levels of the Forum will be interrupted, including views of the Harbour Bridge and city skyline.
- The western portion of the commercial levels will retain views of the Harbour Bridge and city skyline.
- The quality of the views is lower than the views enjoyed on upper levels of the Forum tower.

(iv) The reasonableness of the proposal which is causing the impact

The “*Tenacity Consulting v Warringah Council (2004)*” decision provides the following advice for determining the reasonableness of a proposal:

"A development that complies with all planning controls would be considered more reasonable than one that breaches them.

Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable.

With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours.

If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable".

The Department has considered the above principles and considers that the proposal is reasonable given that:

- the site is located within a commercial CBD and is subject to a 65 metre height limit and 14:1 maximum floor space ratio in the LEP controls which apply to the site;
- the site is zoned "B3 Commercial Core". The LEP does not contain any objectives of controls to protect views in the commercial core zone;
- the proposal involves minor non-compliances with the LEP height limit (4.2 metres or 7%, in part only) and seeks only 90% of the permissible floor space. The increased height causes minimal additional view loss;
- the DCP provides various objectives and controls to achieve view sharing. However the Proponent has demonstrated that full compliance with the DCP controls would not preserve views from the north. The Proponent has demonstrated that there is minimal additional impact caused by the proposal, than a complying envelope;
- the non-compliances with the built form/envelope controls within DCP have been justified on the basis of inability to amalgamate with adjoining sites and the provision of large floor plates for high grade office space consistent with the DCP; and
- the inability to amalgamate precludes a more 'skilful design'. The PPR reduces the bulk of the building and the visual impact from the north, however further reductions would necessitate reduced floor plates and possible lesser grade resultant office floor space which is inconsistent with St Leonards Strategy which seeks to revitalise the southern side of St Leonards and promote large floor plate premium quality commercial development. An unreasonable reduction in both height, floor space and floor plates would be required in order to make any substantial improvement to view preservation.

The proposal is also considered reasonable in terms of its impact on the Forum Tower, Forum West Tower and Forum podium as outlined below:

The Forum tower

The view analysis has shown that a fully compliant building envelope, in accordance with the height and built form controls within the Lane Cove LEP and DCP, would cause generally the same extent of view loss to the Forum tower and in particular, the views to the Harbour Bridge and city skyline would be interrupted.

It is considered inevitable that some view loss to properties to the north will occur as a result of any redevelopment of the site which maximises the opportunities in terms of height and floor space under the Lane Cove LEP. The complete preservation of views from the Forum tower would not be possible without a significant reduction in floor plate and height which would be inconsistent with the objectives of the Metropolitan Plan, Subregional and local strategies and the Lane Cove LEP and DCP which seek to encourage jobs growth through the redevelopment and revitalisation of the commercial core on the southern side of St Leonards.

The Forum West Tower

The view analysis demonstrates that views from the south-facing apartments between Level 17 to 23 of the Forum West apartments will be affected, but not lost. The proposed building will obstruct views of Milsons Point and North Sydney, but the views of the Harbour Bridge and city skyline will be maintained.

The Forum podium

The Department considers that any redevelopment of a site to the south of the Forum, will cause loss of views to the commercial levels of the Forum podium.

It is not appropriate to restrict development within the commercial core of St Leonards to such an extent required to protect the views of existing commercial floor space up to Level 9. It is noted that any building on the site would have to be restricted to a maximum height of approximately 9 to 10 storeys (approximately 40 metres) to protect the existing views from the upper commercial levels.

The western portion of the commercial levels will retain views of the Harbour Bridge and city skyline.

Conclusion

The Department considers that the complete preservation of views to the Forum tower, Forum West tower and Forum podium is unsustainable in the context of the site's location within the commercial core of St Leonards and the objectives of the Lane Cove DCP and St Leonards Strategy which seek to provide large floor plate, high quality commercial developments.

The impact of the proposal on views and outlook is considered acceptable given that:

- the Forum towers are located on the north side of St Leonards CBD;
- the southern side of the CBD currently contains low scale commercial development, however Lane Cove Council is seeking to encourage high rise office development in this locality in accordance with Metropolitan, Subregional and local strategies;
- the LEP height control for the site is 65 metres. Any development to this height will result in view loss to the podium and lower levels of the residential towers;
- the building height (excluding the architectural roof feature) complies at the Christie Street frontage and involves a non-compliance of 4.2 metres (7%) at the Lithgow Street frontage;
- the architectural roof feature generally meets the requirements of the LEP and a future assessment requirement is recommended to explore further reducing the height of the roof feature and ensuring the design and materials maximise transparency and minimise view loss;
- the view analysis demonstrates that the view impacts of the proposal are generally comparable with the impact of a LEP and DCP compliant building envelope, and that the additional height and non-compliances with the DCP built form controls will have minor additional impacts;
- refinements to the northern façade of the building, including increased setbacks and articulation, as proposed within the PPR will also reduce the bulk and visual impact of the proposal;
- the benefit of providing new employment opportunities within close proximity to public transport and other facilities is considered to outweigh the view loss impacts of the proposal; and
- the site is situated to the south-east of the Forum. Any development of this site which seeks to maximise height and floor space opportunities under the LEP will interrupt views towards the Sydney CBD and Harbour Bridge.

The proposal would have to be significantly reduced in height to allow the views from the Forum tower to be retained. This would severely limit the development potential of the site. This outcome is considered to be unsustainable and inequitable in terms of the strategic importance of this land and ability to contribute significantly to the achievement of a range of Metropolitan, Subregional and local planning objectives for economic growth, job creation and the growth of St Leonards as a specialised centre.

5.4. Traffic and car parking

5.4.1 Traffic Generation and Local Road Network

The southern side of St Leonards comprises a network of one-way, two-way and terminating streets, which represent a constraint to vehicular ingress and egress. The number of possible routes and opportunities for dispersion of traffic are limited. Access to the southern side of St Leonards is also constrained by no-right-turns in force from the Pacific Highway at all intersections.

Figure 14 outlines the surrounding road network and permitted traffic movements at key intersections.



Figure 14: The local road network identifying one way and two way traffic flows, terminating streets and permitted movements at key intersections (Base Image Source: Google Maps)

The majority of vehicles travelling to the southern side of St Leonards utilise the intersections of Pacific Highway / Oxley Street and Pacific Highway / Christie Street. Traffic generation associated with this proposal will also use these two intersections. All vehicles must use Lithgow Street and Oxley Street to access the site, and increased traffic is also expected on Christie Street, Nicholson Street and Christie Lane.

The Proponent's justification

The EA documents were accompanied by a Traffic and Accessibility Impact Study.

The Traffic Study provides an estimate of the additional traffic movements during peak hours and how vehicular movements may be dispersed throughout the road network. The Proponent's Traffic Consultant estimates that there will be approximately 98 additional peak hour movements generated by the proposal (based upon 0.4 vehicles per hour per space).

The highest levels of additional traffic are expected on Oxley Street and Lithgow Street (up to 81 additional peak hour movements). Up to 40 additional peak hour movements are expected in Christie Street and Nicholson Street.

The study projected that the net additional traffic generation created by the proposal can be accommodated within the local road network, without adversely affecting the current levels of service achieved at key intersections. No road network changes or intersection upgrades are proposed.

The Department's Assessment

There are limited routes along which vehicular traffic can arrive and depart the site due to the one-way streets, terminating streets and right turn bans to/from the Pacific Highway.

The distribution of traffic provided by the Proponent demonstrates that the majority of additional traffic movements will affect the intersections at Pacific Highway / Oxley Street and Pacific Highway / Christie Street (Refer **Figure 14** above). The modelling undertaken shows that these intersections will continue to operate at a satisfactory level of service with average delays of 40 seconds or less.

The majority of vehicular traffic during the **morning peak hours** will travel to the site primarily via the Pacific Highway, Oxley Street and Lithgow Street. An alternate route is available via Christie Street, Nicholson Street, Oxley Street and Lithgow Street.

In the **evening peak hours**, traffic associated with the proposal will utilise Lithgow Street and the Pacific Highway for northbound travel and Lithgow Street, Christie Lane, Christie Street, Nicholson Street and Oxley Street to access the Pacific Highway to travel southbound.

The Traffic Study demonstrated that these additional vehicle movements in the morning and evening peak hours can be accommodated within the road network.

The RTA, however, raised concern that the traffic generation rate per space was low and not necessarily representative of the traffic generated by commercial buildings in St Leonards, particularly as the rates were based upon surveys undertaken of commercial buildings in North Sydney.

The traffic generation rates for commercial buildings within the RTA's *Guide to Traffic Generating Development* are 0.8 vehicle movements per space per hour, which is double the rate used by the Proponent. The Proponent considers that the RTA traffic generation rates may be outdated as they are based upon surveys undertaken in 1990. In this regard the Proponent considers that the rate of 0.4 vehicle movements per space per hour provides a more up to date estimate of the likely traffic generation based upon recent surveys of commercial buildings in North Sydney CBD.

For the purposes of a comparative analysis, the Department has calculated the traffic generation using the RTA's higher traffic generation rate. In this case, the proposal could generate approximately 195 additional vehicle movements per hour in the morning and evening peak periods. This could result in approximately 162 additional movements per hour on local streets including Lithgow Street and Oxley Street. Up to 82 additional movements per hour could be expected in Christie Street and Nicholson Street.

As the Proponent has used a lower traffic generation rate of 0.4 vehicles per hour per space, it is not known whether the road network can cater for the RTA estimated level of traffic generation of 0.8 vehicles per hour per space. However, the Department identifies the following issues in relation to traffic generation:

- the proposed car parking provision will encourage private vehicle use and traffic generation;
- the limited routes to and from the site do not allow an ideal distribution of traffic flow;
- the southern sections of Lithgow Street and Oxley Street are predominantly residential in character;
- traffic generation may adversely affect pedestrian safety and amenity, particularly within the proposed Shareway and residential portions of Lithgow Street and Oxley Street; and
- future redevelopment of other commercial sites on the southern side of St Leonards will further increase traffic flows.

While the Traffic Study has demonstrated that additional traffic (based upon the lower traffic generation rate) may be accommodated within the road network, the Department considers that any traffic generation should be minimised to assist in improving pedestrian safety and amenity in accordance with Lane Cove Council's vision for the precinct and DCP controls.

The site is located in close proximity to the St Leonards Railway Station and bus services along the Pacific Highway. Considering the accessibility to public transport services, it is recommended that the car parking provision be reduced from 294 to 206 spaces (approximately 30% reduction). This will also assist in reducing the traffic generation and adverse impacts of the proposal on the local road network and alleviating the Department's concerns. The on-site parking provision is considered in more detail in **Section 5.4.4**.

5.4.2 Closure of Christie Lane / Proposed New Lane

The DCP provides a preferred block plan which involves the closure of Christie Lane and the creation of a new lane further south. Christie Lane is to be closed to vehicular traffic and converted to a pedestrian link (refer to **Figure 8** above). The portion of Lithgow Street between the Pacific Highway and the new lane is to be designated as a Shareway for both pedestrians and two-way vehicular traffic.

As already indicated, the Proponent has been unsuccessful in amalgamating all properties within the block, and therefore is not proposing any changes to the existing road network. While the proposal does not physically prevent the future relocation of the laneway, the laneway relocation as detailed in the DCP is not ideal due to fragmented landownership and may need to be reconsidered by Council, should this application be approved.

The Department considers that the proposal is satisfactory in the context of the current road network, and the road layout anticipated by the DCP given that:

- the proposal does not physically preclude the laneway relocation strictly in accordance with the DCP or further south than identified in the DCP;
- the proposal involves the creation of a new through site link at ground level, providing a safe and all weather pedestrian environment;
- while the pedestrian link is in a different location to the link identified in the DCP, the proposal is consistent with the DCP objectives for improving pedestrian safety; and
- subject to a reduced car parking provision, traffic generation can be accommodated within the road network in both the current scenario and if a laneway relocation does occur in the future.

5.4.3 Shareway

Shareway Design and Construction

The Proponent intends to undertake works-in-kind to create a Shareway in Lithgow Street, including a shared vehicular access and pedestrian plaza. As the Proponent is not seeking

Concept Plan approval for any works outside of the property boundaries, the precise detail will be resolved at the future application stage. The Proponent proposes to enter into a Voluntary Planning Agreement (VPA) with Lane Cove Council. The VPA would include details of the proposed public domain works proposed to be undertaken in the form of works in kind and the process for, and timing of, the payment of any residual Section 94 contributions.

The DCP provides for Lithgow Street to be redesigned and constructed as a two-way Shareway and pedestrian plaza. However, Lithgow Street can only be revised to provide two way traffic movements if / when the existing laneway is relocated further south.

There are several developments which need to occur to trigger any future relocation of the existing laneway further south including:

- the provision of alternate vehicular access to the row of shops between the Pacific Highway and Christie Lane, most likely in the form of a redevelopment of the whole block;
- the acquisition/dedication of the two commercial properties currently situated within the proposed new lane; and
- the modification of Lithgow Street to allow two-way vehicular traffic between the Pacific Highway and new lane.

At this time, due to constraints imposed by fragmented landownership and uncertainty as to the timing of future developments, no road network changes are proposed and Lithgow Street will continue to carry one-way northbound traffic for the frontage of the site.

Lane Cove Council did not raise any objections to the proposal in relation to the proposed Shareway design.

In order to ensure that the proposal does not preclude any future laneway relocation to the south, the future Shareway plans will need to reflect a design which allows for simple conversion from one-way to two-way traffic movements. Any future application should also detail the mechanisms needed for converting the Shareway from one-way to two-way traffic if the laneway is relocated, including timing and funding through the VPA. It is recommended that this matter is specifically addressed as a future assessment requirement.

Other matters relating to the Shareway

The proposal provides a single vehicular access and exit point via Lithgow Street, which is the lowest point of the site and therefore the most practical location for access to basement car parking. Concern was raised by Lane Cove Council, RTA and public submissions regarding the location of the access point and the implications of traffic generation on pedestrian movements within the proposed Shareway.

The Department also raised concerns regarding the traffic volumes within the proposed Lithgow Street Shareway. The Proponent proposes to minimise potential pedestrian and vehicle conflicts through the use of traffic calming devices and the use of pavers to clearly communicate the shared pedestrian/vehicle zone.

While these measures are supported, the Department considers that the level of car parking provision should also be reduced by 30%, given the site's location in close proximity to public transport services. A reduction in car parking will reduce the number of vehicle trips to and from the site, thereby reducing the potential conflict between vehicles and pedestrians.

The Department considers that the proposed development has an appropriate relationship with the proposed Shareway given that:

- the Shareway will be activated by proposed retail and restaurant/café uses at ground level;

- the amenity of the Shareway will be improved as a result of the generously proportioned through site link, colonnade and reverse podium building form;
- wind impacts can be appropriately managed through building design;
- the proposal causes minimal overshadowing of the Shareway; and
- a reduction in on-site car parking provision will reduce traffic generation and minimise pedestrian and vehicle conflicts.

5.4.4 On-site parking

The Lane Cove DCP specifies a maximum car parking rate of 1 space per 110m² of commercial floor space. Notwithstanding the requirements of the DCP, Lane Cove Council and Transport NSW have advised the Department that the proposed development should provide reduced car parking provision compared to that allowed by the DCP due to the site's excellent accessibility to public transport.

Council recently exhibited a draft amendment to the DCP to strike a balance between the commercial car parking rates of the two other portions of St Leonards, being within North Sydney LGA (1 space per 400m²) and Willoughby LGA (1 space per 110m²). The DCP amendment proposed a maximum car parking rate of 1 space per 200m², being the average of the three Council's requirements. However, following exhibition of the DCP amendment, Council resolved to defer the amendment, pending further traffic studies, in consultation with the adjoining Councils and state Government agencies. Accordingly the Council resolved to retain the maximum car parking rate of 1 space per 110m², until further traffic studies are undertaken.

The maximum car parking allowed for the proposed 32,599m² of commercial floor space in accordance with the current DCP rate is 296 spaces. The proposal provides 294 spaces which complies.

The Proponent's Justification

The Proponent maintains that the proposed car parking provision is acceptable given that:

- marketability and feasibility are key considerations in order for St Leonards to achieve strategic planning objectives for high grade office floor space and meet employment targets for the centre. Reduced car parking rates can act as a disincentive, particularly where there are ample alternate sites available with higher car parking rates (eg. Macquarie Park where new office developments are provided with car parking at a rate of 1 space per 80m²);
- only 294 spaces are proposed for the building which is estimated to accommodate approximately 1,630 employees, thereby parking is only provided for 18% of employees. The resultant modal split is estimated to be 82% of trips by public transport and only 18% by private vehicle, exceeding the NSW State Plan target which aims for 80% of commuter trips to the Sydney CBD to be by public transport; and
- the nature of business requires high level of accessibility by car, particularly for sales companies which have staff that spend their day both on the road and in the office. In this case, traffic generation is spread throughout the day and not just concentrated during peak hours.

The Department's Assessment

While the proposal complies with the DCP, the Department does not support such a high provision of car parking for the site which has excellent access to public transport. It is considered that the car parking provision must be reduced in accordance with the objectives of the State Plan, Metropolitan Plan and draft Subregional Strategy, including maximising use of public transport and minimising greenhouse gas emissions.

In order to determine an appropriate car parking provision for the proposed commercial floor space within 200 metres of public transport, the Department has considered car parking

requirements of North Sydney (1 space per 400m²) and Willoughby Council (1 space per 200m²) which are applied in St Leonards, North Sydney and Chatswood CBDs.

North Sydney DCP 2002 provides a maximum car parking rate for new commercial developments on the northern side of St Leonards which is almost 4 times lower than the parking rate within Lane Cove DCP 2009 which applies to the Southern side of St Leonards. The site benefits from the same excellent accessibility to rail and bus services as sites on the northern side of St Leonards. The application of the North Sydney rates would allow a maximum of 81 spaces on the site, a 213 space reduction compared to the proposal.

The Department considers that the application of the North Sydney car parking control is too restrictive for the proposal given that:

- it would represent a 79% reduction in parking provision, compared to the current controls within Lane Cove DCP;
- in order to attract tenants to occupy A grade commercial floor space, the Proponent submits that a reasonable car parking provision must be provided; and
- the land within the North Sydney LGA is zoned mixed use which allows a range of commercial and residential uses. By virtue of the zoning, the development of large amounts of A grade office space on the northern side of St Leonards is less likely to occur than on the southern side of St Leonards. Therefore a more restrictive car parking requirement is more acceptable in this location than the southern side of St Leonards where the land is zoned Commercial Core and both the Department and Council are seeking to encourage high quality office floor space.

Willoughby DCP 1995 provides a car parking rate of 1 space per 110m² for development on the northern side of St Leonards. This is equivalent to the Lane Cove DCP 2009 requirements. However the Department notes that a rate of 1 space per 200m² is applied to sites within Chatswood CBD with restricted vehicular access or where streets are unable to cope with high levels of vehicular traffic.

The Department has calculated the average of the three Council's controls which results in a car parking rate of 1 space per 206m².

The Department considers that a rate of 1 space per 200m² is appropriate for the proposal given that:

- Lane Cove Council is undertaking a traffic study with the view to amend the DCP to reduce the maximum parking provision in St Leonards due to its excellent accessibility to public transport;
- 1 space per 200m² represents the average car parking rate for St Leonards, based upon the North Sydney rate of 1 space per 400m², Lane Cove rate of 1 space per 110m² and Willoughby rate of 1 space per 110m²;
- the proposal is situated approximately 200 metres walking distance to key public transport services;
- vehicular access to the site is constrained as outlined in **Section 5.4.1**; and
- traffic within the proposed Lithgow Street Shareway should be minimised to provide a high level of pedestrian amenity and safety.

Notwithstanding the above, the Department considers that it is appropriate to apply a credit as an offset to the existing 110 spaces provided on site serving the existing commercial floor space of 6,500m² (within the buildings to be demolished).

The existing parking provision is equivalent to 1 space per 60m² of GFA. The Department considers that a full credit of 110 spaces is excessive given the site's location within a CBD and accessibility to public transport. However, a credit calculated as an average of the existing car parking provision (1 space per 60m²) and the current Lane Cove DCP control of

1 space per 110m² credit is considered reasonable. The average rate would be 1 space per 85m² of existing floor area and equates to 76 spaces (Refer to **Table 3** below).

Table 3: Credit for existing car parking for the existing floor space

	Gross floor area (GFA)	Existing car parking provision	Current DCP control (1 space per 110m ²)	Average of existing provision and current control (1 space per 85m ²)
Existing office buildings	6,500m ²	110 spaces (1 space per 60m ²)	59 spaces	76 spaces

The additional 26,099m² of proposed floor area (32,599m² less the existing 6,500m²) should be provided with car parking at a rate of 1 space per 200m² for the reasons detailed above. This allows for an additional 130 spaces (Refer to **Table 4** below).

Table 4: Car parking requirements for the proposed additional floor space

	Gross floor area (GFA)	Current DCP control (1 space per 110m ²)	Proposed car parking rate (1 space per 200m ²)
Proposed additional floor space	26,099m ²	237 spaces	130.5 spaces

On this basis, the Department considers that a maximum of 206 spaces should be provided on site. This consists of 130 spaces for the additional 26,099m² of proposed floor area and a credit of 76 spaces for the existing 6,500m² of commercial floor area.

The provision of 206 spaces, compared to the proposed 294 spaces, will result in an approximate 30% reduction in the traffic generation of the PPR. The Department considers that the reduced car parking will create multiple benefits including greater utilisation of public transport, encouraging sustainable transport options and improved pedestrian safety and amenity within the locality.

A modification to the Concept Plan has been recommended to ensure that the on-site car parking provision is reduced to a maximum of 206 spaces, comprising the 76 offset spaces and further parking at a rate of 1 space per 200m².

The Proponent has raised strong objections to the imposition of the modification to reduce parking below 294 spaces. In addition to the justification provided in the PPR, the Proponent provided the following additional arguments:

- the proposal achieves a mode split of 82% of journey to work trips by public transport, which exceeds the NSW State Plan target for any commercial centre including the Sydney CBD;
- Lane Cove Council recently voted to retain the existing DCP car parking requirement on 1 space per 110m² (maximum) for commercial sites in St Leonards;
- the proposed modification represents a 5 fold decrease in the parking provision compared to the parking rate of 1 space per 40m² which was applicable prior to the adoption of Lane Cove DCP 2010 on 22 February 2010;
- a credit should be allowed for the existing 110 car parking spaces for the existing commercial floor area of 6,500m²;
- Willoughby DCP allows 1 space per 110m² for office uses in Railway Precincts which is consistent with the Lane Cove DCP requirement;

- the portion of St Leonards within North Sydney LGA is zoned Mixed Use which allows residential uses. A like for like comparison between the parking rates should not be used for determining an appropriate parking rate;
- the Traffic Study demonstrates that the roads and intersections affected by the proposal will contribute to function at a level of service C or better during peak periods; and
- there will be no market acceptance for such a low provision of parking for A grade office floor space in St Leonards.

The Department has considered the Proponent's submission. While the reduction in on-site parking to a maximum of 206 spaces may increase the potential proportion of journey to work trips by public transport up to 87% (above the 80% target within the NSW State Plan for Sydney CBD), the Department maintains that generally a maximum car parking rate of 1 space per 200m² is appropriate given that:

- the Department has considered the North Sydney car parking requirements in its assessment of the proposal, however, it has not directly applied a comparable requirement for this proposal. The Department has recommended a car parking provision of 1 space per 200m² which allows two times the parking than would be allowed in the North Sydney LGA;
- although Lane Cove Council resolved to retain the current commercial parking provision in St Leonards at a maximum of 1 space per 110m², the Council is currently undertaking a traffic study for the commercial centre as a whole, in liaison with the RTA, North Sydney and Willoughby Councils. Lane Cove Council have communicated to the Department, both in their submissions to the exhibition of the EA and during meetings, that the Council supports reduced car parking at a lower rate than the DCP;
- the Department considers that a credit of 76 spaces is appropriate for the existing 6,500m² of commercial floor area (1 space per 85m²) and that the additional 26,099m² of commercial floor area should be provided with only 1 space per 200m²; and
- the Proponent's Traffic Study concludes that the local road network and intersections will continue to operate satisfactorily, however the Department considers that a reduction in car parking provision, as recommended, will further reduce the traffic impact which will have a positive impact on pedestrian safety and amenity within the locality, particularly in light of the access constraints outlined in **Section 5.4.1**.

5.5. Other Matters

Overshadowing

Lane Cove Council seeks to protect solar access within the Christie Street South Park and to neighbouring residential properties (Refer **Figure 15** below).



Figure 15: Additional overshadowing within Christie Street South Park (Base Image Source: LPMA)

The Proponent has submitted a shadow analysis which demonstrates the shadow impact of the proposal at 9am, 12noon and 3pm on 21 June (winter solstice), 21 December (summer solstice) and 21 March and 21 September (autumn and spring equinox). Refer to **Figure 16** below.



Figure 16: Winter Solstice shadow analysis (21 June – 9:00 am, 12:00 noon and 3:00 pm) (Source: Proponent's PPR)

The greatest shadow impact occurs in the morning, between 9:00am and 11:00am in midwinter. The proposal causes overshadowing to 12 residential properties (partial overshadowing to 5 properties and full overshadowing of 7 properties) on the western side of

the railway line. The proposal has no shadow impact on the residential properties in the summer solstice and affects a maximum of 3 properties between 9.00am and 10.00am in the autumn and spring equinox.

Shadow diagrams provided for 21 June (winter solstice) indicate the shadow cast by the proposal will fall over the Christie Street South Park after 2:30pm.

The Proponent's justification

The Proponent has submitted a shadow analysis which demonstrates that the proposal results in minimal additional shadow impacts on surrounding residential properties and public open space. The extent of shadowing has been further reduced with the increased setbacks proposed by the PPR.

The overshadowing of residential properties for a maximum of 2 hours in midwinter is a worst case scenario and all properties achieve at least 4 hours solar access after 11:00am.

The partial overshadowing of Christie Street South Park occurs from 2:30pm to 3:00pm and the area of impact is a small paved area. This is the worst case scenario and the impact is only for a short duration, outside of the lunch time period. At all other times of the year, the proposal does not cause any loss of solar access to the Christie Street South Park.

The Department's Assessment

The overshadowing caused to residential properties is considered acceptable on the basis that the shadowing is limited to between 9:00am and 11:00am, midwinter, and the subject residential properties receive at least 4 hours of solar access between the key hours of 9:00am to 3:00pm. This easily meets Council's DCP requirement for residential properties to receive a minimum of 3 hours solar access per day.

The proposal will result in a minor increase in overshadowing for a small section (approx 60m²) of the Christie Street South Park (refer **Figures 15** and **16** above). This area is a paved area and the shadowing will not affect the lunchtime enjoyment of the park. The shadow impact is also a worst case scenario on the winter solstice, with all other times of the year likely to achieve a lesser impact and improved solar access in the park. The proposal does not have any shadow impact on the park between September and March.

It is considered that the shadow impact of the proposal is acceptable.

Wind Management

The EA included a Wind Assessment. The wind assessment provided recommendations to be incorporated into the building design to minimise adverse wind impacts.

The assessment found that wind conditions around the proposed building would be within acceptable limits. The main areas where additional wind treatment may be required are the Lithgow Street frontage, adjacent to the proposed Shareway and the pedestrian through site link.

The Proponent has committed to incorporating suitable measures, including use of airlock, awnings, evergreen trees and impermeable balustrades, to mitigate winds into the building design.

6. RECOMMENDATION

The Department has assessed the merits of the proposal taking into consideration the issues raised in public submissions and is satisfied that the impacts have been addressed in the PPR, the revised Statement of Commitments and the Department's recommended modifications and future assessment requirements. The Department is satisfied that the site is suitable for the proposed development and that the project will provide environmental, social and economic benefits to the region.


The key issues considered in the assessment of the proposal relate to the height and built form, view loss and traffic. The main amenity impacts arising from the proposal are the loss of southerly views from the Forum tower, Forum West tower and the Forum podium. The proposal generally complies with the density and height controls for the site, with only minor non-compliances in height at the Lithgow Street Frontage. The Department considers that the complete preservation of the views currently enjoyed is unsustainable having regard to the site's location within the commercial core of St Leonards.

The proposal will provide public benefits and make a positive contribution to the St Leonards CBD as it will:

- make a significant contribution to the achievement of a number of the Metropolitan Plan and Subregional Strategy targets, including the provision of large-scale commercial development within a strategic centre which will provide increased employment and high-grade commercial floor space;
- contribute 32,599m² of additional commercial floor area, accommodating approximately 1,630 jobs and making a substantial contribution to the Metropolitan Plan employment target of 5,000 jobs in St Leonards to 2036;
- increase local employment opportunities throughout the construction and operational phases of the development;
- make use of existing public transport infrastructure;
- achieve 5-star NABERS and Green Star energy efficiency; and
- result in the creation of a publicly accessible through site link and, subject to approval in a future application, the works within Lithgow Street to create a Shareway and pedestrian plaza for the full frontage of the site.

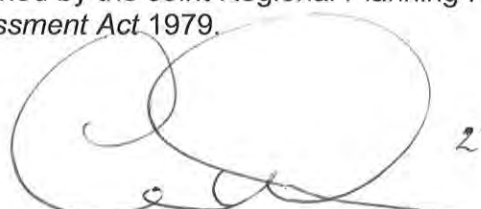
The Department recommends that the Concept Plan be approved, subject to the modifications and future assessment requirements set out in the attached instrument.

It also is recommended that subsequent project applications under this Concept Plan are assessed by Lane Cove Council and determined by the Joint Regional Planning Panel under Part 4 of the *Environmental Planning & Assessment Act 1979*.




Director
Metropolitan and Regional
Projects South

27/6/2011



Executive Director
Major Projects Assessment

27-6-11



Deputy Director-General
Development Assessment
& Systems Performance

28/6/11